

ORDINANCE NO. _____

AN ORDINANCE REPEALING AND REPLACING DIVISION 1 OF ARTICLE 1 OF CITY CODE CHAPTER 25-12 RELATING TO THE INTERNATIONAL BUILDING CODE; REPEALING AND REPLACING ARTICLE 10 OF CITY CODE CHAPTER 25-12 RELATING TO THE INTERNATIONAL EXISTING BUILDING CODE; REPEALING AND REPLACING ARTICLE 13 OF CITY CODE CHAPTER 25-12 RELATING TO ADMINISTERING TECHNICAL CODES; AMENDING CHAPTER 25-12 RELATING TO FLOOD LOADS AND HAZARD AREAS; AMENDING CHAPTER 25-7 RELATING TO FLOOD LOADS AND HAZARD AREAS; WAIVING SECTIONS 25-1-501 AND 25-1-502 RELATING TO AMENDMENTS; AND CREATING OFFENSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Chapter 25-12 (*Technical Codes*) is amended to repeal and replace Division 1 of Article 1 (*Building Code*) to read:

DIVISION 1. INTERNATIONAL BUILDING CODE AND LOCAL AMENDMENTS

§ 25-12-1 INTERNATIONAL BUILDING CODE.

(A) The International Building Code, 2021 Edition, published by the International Code Council (“2021 International Building Code”) is adopted and incorporated by reference into this section with the deletions in Subsection (B) and the amendments in Section 25-12-3 (*Local Amendments to the International Building Code*).

(B) The following provisions of the 2021 International Building Code are deleted.

101.4.1	305.2.3	414.1.3	1108.6.4.2
101.4.2	308.2.3	427.6	1301.1
101.4.3	308.2.4	Chapter 9	1507.8 plus subsections
103 plus subsections	308.3	1008.2.1	1507.9 plus subsections
104.2.1	308.3.1.1	1009.3	1607.8.2

105.1.1	308.3.2	1010.1.2	1612 plus subsections
105.2	308.5	1010.2.7	2901.1
107.2.6	308.5.1	1010.3.3	2902.2
110.3	308.5.3	1101.2	2902.6
112.3	308.5.4	1108.6.1.2	3102.5
113 plus subsections	310.2	1108.6.2.2.2	3201.1
305.2	310.4.1	1108.6.2.3.2	3202.1
305.2.2	406.4.3	1108.6.3	Table 2901.1 Footnote (e)

Table 1004.1.2

23 (C) The following definition is deleted from Section 202.2.1 (*General Definitions*) of
24 the 2021 International Building Code:

25 FOSTER CARE FACILITIES.

26 (D) The city clerk shall file a copy of the 2021 International Building Code with the
27 official ordinances of the City.

28 **§ 25-12-2 CITATIONS TO THE BUILDING CODE.**

29 In the City Code, “Building Code” means the 2021 International Building
30 Code adopted in Section 25-12-1 (*International Building Code*) as amended by
31 Section 25-12-3 (*Local Amendments to the International Building Code*). In this
32 article, “this code” means the Building Code.

33 **§ 25-12-3 LOCAL AMENDMENTS TO THE INTERNATIONAL**
34 **BUILDING CODE.**

35 Each provision in this section is a substitute for the identically numbered provision
36 deleted in Section 25-12-1(B) (*International Building Code*) or is an addition to the 2021
37 International Building Code.

38 [A] 101.4.1 Gas. The provisions of the International Fuel Gas Code and the Plumbing
39 Code shall apply to the installation of gas piping from the point of delivery, gas
40 appliances, and related accessories as covered in this code. The Plumbing Code
41 supersedes the International Fuel Gas Code to the extent of conflict. These requirements
42 apply to gas piping systems extending from the point of delivery to the inlet connections
43 of appliances and the installation and operation of residential and commercial gas
44 appliances and related accessories.

45 [A] 101.4.2 Mechanical. The provisions of the International Mechanical Code and the
46 Mechanical Code shall apply to the installation, alterations, repairs, and replacement of
47 mechanical systems, including equipment, appliances, fixtures, fittings, and/or
48 appurtenances, including ventilating, heating, cooling, air conditioning, and refrigeration
49 systems, incinerators, and other energy related systems. The Mechanical Code supersedes
50 the International Mechanical Code to the extent of conflict.

51 [A] 101.4.3 Plumbing. The provisions of the International Plumbing Code and the
52 Plumbing Code shall apply to the installation, alteration, repairs, and replacement of
53 plumbing systems, including equipment, appliances, fixtures, fittings, and appurtenances,
54 and where connected to a water or sewage system and all aspects of a medical gas
55 system. The Plumbing Code supersedes the International Plumbing Code to the extent of
56 conflict. The provisions of the International Private Sewage Disposal Code and the
57 Plumbing Code shall apply to private sewage disposal systems. The Plumbing Code
58 supersedes the International Private Sewage Code to the extent of conflict.

59 101.4.8 Wildland-Urban Interface. The provisions of the International Wildland-Urban
60 Interface Code shall apply to matters governing the construction, alteration, movement,
61 repair, maintenance and use of any building, structure or premises within the wildland-
62 urban interface areas in this jurisdiction.

63 101.4.9 Building Criteria Manual. Additional information on procedures and rules for
64 administration of this code are available in the Building Criteria Manual.

65 **Section 103 BUILDING OFFICIAL**

66 103.1 Building Official. The building official administers, enforces, and interprets this
67 code. The building official may designate one or more deputy building officials.

68 [A] 104.2.1 Determination of Substantially Improved or Substantially Damaged Existing
69 Buildings and Structures in Flood Hazard Areas. For applications for reconstruction,
70 rehabilitation, repair, alteration, addition or other improvement of existing buildings or
71 structures located in flood hazard areas, the building official shall examine or cause to be

72 examined the construction documents and shall prepare a finding with regard to the value
73 of the proposed work. If the work is a substantial improvement as defined in Section 25-
74 12-52 (*Definitions*), the proposed work shall comply with Article 3 (*Flood Hazard*
75 *Areas*).

76 [A] 105.1.1 Annual Permit. Instead of an individual permit for each alteration to an
77 already approved electrical, gas, mechanical or plumbing installation, and minor building
78 alterations and repairs, the building official is authorized to issue an annual permit upon
79 application to any person, firm or corporation regularly employing one or more qualified
80 trade persons in the building, structure or on the premises owned or operated by the
81 applicant for the permit. The facility shall maintain records on all work performed under
82 the annual permit in accordance with Section 105.1.2 (*Annual Permit Records*).

83 105.1.1.1 Authorized Scope of Work. See Building Criteria Manual, Section 1.1.2
84 (*Building Inspection Processes*) for scope of work authorized under the annual permit.

85 [A] 105.2 Work Exempt from Permit. A permit is not required for the work described in
86 this provision. Work exempt from a permit shall still comply with this code and all other
87 applicable laws and City Code requirements.

88 Building:

- 89 1. One-story detached accessory structures used as tool and storage sheds,
90 playhouses, shade cloth structures constructed for outdoor covered areas that are
91 not A2 or E occupancies, and similar uses, provided the floor area is not greater
92 than 120 square feet (11 m²); provided they are not located within a flood hazard
93 area.
- 94 2. Fences not over 7 feet (2,134 mm) high; provided they are not located within a
95 flood hazard area.
- 96 3. Oil derricks; provided they are not located within a flood hazard area.
- 97 4. Retaining walls that are not over 4 feet (1,219 mm) in height measured from the
98 bottom of the footing to the top of the wall, unless supporting a surcharge or
99 impounding Class I, II or IIIA liquids; provided they are not located within a flood
100 hazard area.
- 101 5. Water tanks supported directly on grade if the capacity is not greater than 5,000
102 gallons (18,925 L) and the ratio of height to diameter or width is not greater than
103 2:1; provided they are not located within a flood hazard area.

- 104 6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade,
105 and not over any basement or story below and are not part of an accessible route;
106 provided they are not located within a flood hazard area.
- 107 7. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
- 108 8. Temporary motion picture, television, and theater stage sets and scenery.
- 109 9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less
110 than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18,925 L) and
111 are installed entirely above ground; provided they are not located within a flood
112 hazard area.
- 113 10. Shade cloth structures constructed for nursery or agricultural purposes, not
114 including service systems; provided they are not located within a flood hazard area.
- 115 11. Swings and other playground equipment accessory to detached one- and two-
116 family dwellings; provided they are not located within a flood hazard area.
- 117 12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall
118 that do not project more than 54 inches (1,372 mm) from the exterior wall and do
119 not require additional support.
- 120 13. Non-fixed and movable fixtures, cases, racks, counters, and partitions not over 5
121 feet 9 inches (1,753 mm) in height.
- 122 14. Repair and replacement to gypsum board and backer board that are not part of a
123 fire-resistance-rated wall, a shear assembly, or wet areas if it is limited to a
124 maximum of 96 square feet.
- 125 15. Emergency removal of water damaged material such as, but not limited to gypsum
126 board, insulation, wood paneling, etc., in order to avoid health hazard issues; a
127 permit is required for the repairs.
- 128 16. Repair to exterior siding that is not part of a fire-rated assembly wall or shear
129 assembly if it is limited to a maximum of 96 square feet.
- 130 17. Other work as determined by the building official.

131 Electrical:

- 132 1. Repairs and maintenance: Minor repair work, including the replacement of lamps
133 or the connection of approved portable electrical equipment to approved
134 permanently installed receptacles.
- 135 2. Radio and television transmitting stations: The provisions of this code shall not
136 apply to electrical equipment used for radio and television transmissions, but do
137 apply to equipment and wiring for a power supply and the installations of towers
138 and antennas.
- 139 3. Temporary testing systems: A permit shall not be required for the installation of
140 any temporary system required for the testing or servicing of electrical equipment
141 or apparatus.
- 142 4. Electrical work exempt from permit within the Electrical Code.
- 143 5. Other work as determined by the building official.

144 Mechanical:

- 145 1. Exemptions authorized in the Mechanical Code.
- 146 2. Other work as determined by the building official.

147 Plumbing:

- 148 1. Exemptions authorized in the Plumbing Code.
- 149 2. Other work as determined by the building official.

150 105.5 Time Limits. Article 13 (*Administration of Technical Codes*) of this chapter
151 establishes permit application time limits and requirements applicable to permit
152 expiration and reactivation, including a review fee for expired permits.

153 [A] 107.2.6 Site Plan. The construction documents submitted with the application for
154 permit shall be accompanied by a site plan showing to scale the size and location of new
155 construction and existing structures on the site, distances from lot lines, the established
156 street grades and the proposed finished grades, and as applicable, flood hazard areas,
157 floodways, and design flood elevations; and it shall be drawn in accordance with an
158 accurate boundary line survey. In the case of demolition, the site plan shall show
159 construction to be demolished and the location and size of existing structures and
160 construction that are to remain on the site or plot. For a building or structure involving
161 below-grade construction, the site plan shall show the location of proposed earth

162 retention system components allowed under Section 3202.1.4 (*Earth Retention System*
163 *Components*). The building official is authorized to waive or modify the requirement for
164 a site plan when the application for permit is for alteration or repair or when otherwise
165 warranted.

166 108.5 Temporary Earth Retention Systems. Temporary earth retention system
167 components used to facilitate below-grade construction of a building or structure shall
168 conform to Sections 1811 (*Earth Retention Systems*) and Section 3202.1.4 (*Earth*
169 *retention system components*).

170 109.7 Plan Review Fees. An applicant shall pay a plan review fee, adopted by separate
171 ordinance, when plans and specifications are submitted for review under Section 107
172 (*Submittal Documents*). The building official shall charge an additional plan review fee
173 if plans are incomplete or changed so as to require additional plan review. The plan
174 review fees referenced in this section are in addition to the permit fees referenced in
175 Section 109.1 (*Payment of fees*).

176 110.3 Required inspections. The building official, upon notification, shall make
177 inspections set forth in Sections 110.3.1 through 110.3.12 and the Building Criteria
178 Manual.

179 112.3 Authority to Disconnect Service Utilities. The building official shall have the
180 authority to authorize disconnection of utility service to the building, structure or system
181 regulated by this code and the referenced codes and standards in case of emergency
182 where necessary to eliminate an immediate hazard to life or property, where one or more
183 circumstances listed in Section 15-9-101(A)(2) (*Basis for Termination of Service*) exist,
184 or where such utility connection has been made without the approval required by Section
185 112.1 or 112.2. The building official shall provide notice in accordance with Section 15-
186 9-106 (*Notice of Service Disconnection*) of the decision to disconnect prior to taking such
187 action. If not notified prior to disconnecting, the owner or the owner's authorized agent or
188 occupant of the building, structure or service system shall be notified in writing, as soon
189 as practical thereafter in accordance with Section 15-9-106 (*Notice of Service*
190 *Disconnection*).

191 113 Building and Fire Code Board of Appeals. Regulations regarding the Building and
192 Fire Code Board of Appeals are found in Chapter 2-1 (*City Boards*).

193 **Section 202 Definitions.**

194 202.1 Supplemental definitions. The definitions in this subsection apply throughout this
195 code and supplement the definitions in Section 202 (*General Definitions*) in the 2021
196 International Building Code.

197 **BED AND BREAKFAST.** A private residence having a limited number of sleeping
198 rooms which are available for transient guests who have paid for accommodations. For
199 the different classifications of bed and breakfast structures refer to Section 25-2-781 (*Bed*
200 *and Breakfast Residential Use Structures Classified*).

201 **START OF CONSTRUCTION.** The date a permit is issued for new construction or
202 substantial improvements to existing structures if construction, repair, reconstruction,
203 rehabilitation, addition, placement or other improvement starts within 180 days from the
204 date the permit is issued. Construction starts when permanent construction of a building
205 (including a manufactured home) is first placed and includes pouring a slab or footing,
206 installing pilings, or constructing columns. Permanent construction does not include
207 preparing land (clearing, excavating, grading, or filing); installing streets or walkways;
208 excavating for a basement, footing, pier, or foundation; or erecting temporary forms or
209 installing accessory buildings not occupied as dwelling units or not part of the main
210 building. For a substantial improvement, construction starts when a wall, ceiling, floor, or
211 other structural part of a building is altered even if the alteration does not affect the
212 external dimensions of the building.

213 **SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure, whereby the
214 cost of restoring the structure to its before-damage condition would equal or exceed 50
215 percent of the market value of the structure before the damage occurred.

216 **305.2 Group E, Day Care Facilities.** This group includes buildings and structures, or
217 portions thereof occupied by more than six children older than 2 ½ years of age who
218 receive educational, supervision, or personal care services for fewer than 24 hours per
219 day.

220 **305.2.2 Six or Fewer Children.** A facility having six or fewer children receiving such day
221 care shall be classified as part of the primary occupancy.

222 **305.2.3 Six or Fewer Children in a Dwelling Unit.** A facility such as the above within a
223 dwelling unit and having six or fewer children receiving such day care shall be classified
224 as a Group R-3 occupancy or shall comply with the Residential Code.

225 **308.2.3 Seven to 16 Persons Receiving Custodial Care.** A facility housing not fewer than
226 seven and not more than 16 persons receiving custodial care shall be classified as Group
227 R-4.

228 308.2.4 Six or Fewer Persons Receiving Custodial Care. A facility with six or fewer
229 persons receiving custodial care shall be classified as Group R-3 or shall comply with the
230 Residential Code provided an automatic sprinkler system is installed in accordance with
231 Section 903.3.1.3 or Section P2904 of the Residential Code.

232 308.3 Institutional Group I-2. Institutional I-2 occupancy shall include buildings and
233 structures used for medical care on a 24-hour basis for more than six persons who are
234 incapable of self-preservation. This group shall include, but not be limited to, the
235 following: detoxification facilities; hospitals; nursing homes; and psychiatric hospitals.

236 308.3.1.1 Condition 1. This occupancy condition shall include facilities that provide
237 nursing and medical care but do not provide emergency care, surgery, obstetrics or in-
238 patient stabilization units for psychiatric or detoxification, including but not limited to
239 nursing homes.

240 308.3.2 Six or Fewer Persons Receiving Medical Care. A facility with six or fewer
241 persons receiving medical care shall be classified as Group R-3 or shall comply with the
242 Residential Code provided an automatic sprinkler system is installed in accordance with
243 Section 903.3.1.3 or Section P2904 of the Residential Code.

244 308.5 Institutional Group I-4, Day Care Facilities. Institutional Group I-4 shall include
245 buildings and structures occupied by more than six persons of any age who receive
246 custodial care for fewer than 24 hours per day by persons other than parents or guardians,
247 relatives by blood, marriage, or adoption, and in a place other than the home of the
248 person cared for. This group shall include, but not be limited to, the following: adult day
249 care and child day care.

250 308.5.1 Classification as Group E. A child care facility that provides care for more
251 than six but no more than 100 children 2 ½ years or less of age, where the rooms in
252 which the children are cared for are located on a level of exit discharge serving
253 such rooms and each of these child care rooms has an exit door directly to the
254 exterior, shall be classified as Group E.

255 308.5.3 Six of Fewer Persons Receiving Care. A facility having six or fewer
256 persons receiving custodial care shall be classified as part of the primary
257 occupancy.

258 308.5.4 Six or Fewer Persons Receiving Care in a Dwelling Unit. A facility such
259 as the above within a dwelling unit and having six or fewer persons receiving
260 custodial care shall be classified as a Group R-3 occupancy or shall comply with
261 the International Residential Code, provided an automatic sprinkler system is

262 installed in accordance with Section 903.3.1.3 (*NFPA 13D sprinkler systems*) or
263 with Section P2904 of the Residential Code.

264 310.2 Residential Group R-1. Residential occupancies containing sleeping units where
265 the occupants are primarily transient in nature including: boarding houses (transient) with
266 more than 10 occupants, congregate living facilities (transient) with more than 10
267 occupants, hotels (transient), motels (transient), and bed and breakfast establishments.

268 Exception. Compliance with Section 903.2.8 (Group R) is not required for a single
269 structure Group R-1 Bed and Breakfast occupancy described in Section 25-2-781
270 (*Bed and Breakfast Residential Use Structures Classified*) when the owner resides
271 within the Bed and Breakfast occupancy and provided that:

- 272 1. The structure is a detached single-family home that was legally constructed
273 and occupied as a single-family residence prior to January 1, 2006;
- 274 2. The total number of sleeping rooms did not increase after January 1, 2006;
- 275 3. The residence is protected by a monitored residential style fire/security
276 system with an appropriate automatic smoke detection system installed
277 throughout the residence with occupant notification devices in accordance
278 with Section 907.5 (*Occupant notification systems*); and
- 279 4. The residential style fire/security system shall be inspected, tested and
280 maintained in accordance with Section 907.8 (*Inspection, testing and*
281 *maintenance*).

282 310.4.1 Care Facilities within a Dwelling. Care facilities for six or fewer persons
283 receiving care that are within a single-family dwelling are permitted to comply with the
284 Residential Code, provided an automatic sprinkler system is installed in accordance with
285 Section 903.3.1.3 (*NFPA 13D sprinkler systems*) or with Section P2904 of the
286 Residential Code.

287 Exception: Compliance with Section 903.3.1.3 (*NFPA 13D sprinkler systems*) is
288 not required for adult care and child care facilities that are within the proprietor's
289 single-family home; provided that the home was permitted prior to October 1,
290 2010.

291 406.4.3 Ramps. The minimum width and depth of parking spaces and vehicle circulation
292 aisles shall be in accordance with the Austin Transportation Criteria Manual, Table 9-1 or
293 Table 9-2 (residential and low-use garages only). Vehicle ramps shall not be considered
294 as required exits unless pedestrian facilities are provided. Vehicle ramps that are utilized

295 for vertical circulation as well as for parking shall not exceed a slope of 1 unit vertical in
296 15 unit's horizontal (6.67-percent slope).

297 414.1.3 Information Required. Separate floor plans shall be submitted for buildings and
298 structures with an occupancy in Group H, identifying the locations of anticipated contents
299 and processes, to reflect the nature of each occupied portion of every building and
300 structure. The floor plan shall identify the hazards associated with the contents and
301 processes. A report identifying hazardous materials including, but not limited to,
302 materials representing hazards that are classified in Group H to be stored or used, shall be
303 submitted and the methods of protection from such hazards shall be indicated on the
304 construction documents. The building official or fire marshal may also require a technical
305 opinion that addresses the adequacy of the protective measures provided. The opinion
306 and report shall be prepared by a qualified individual, firm or corporation approved by
307 the building official and fire marshal, and shall be provided without charge to the City.

308 503.1.4 Occupied Roofs. A roof level or portion thereof shall be permitted to be used as
309 an occupied roof provided the occupancy of the roof is an occupancy that is permitted by
310 Table 504.4 for the story immediately below the roof. The area of the occupied roofs
311 shall not be included in the building area as regulated by Section 506. An occupied roof
312 shall not be included in the building height or number of stories as regulated by Section
313 504, provided that the penthouses and other enclosed rooftop structures comply with
314 Section 1511.

315 Exceptions:

- 316 1. The occupancy located on an occupied roof shall not be limited to the
317 occupancies allowed on the story immediately below the roof where the
318 building is equipped throughout with an automatic sprinkler system in
319 accordance with Section 903.3.1.1 or 903.3.1.2 and occupant notification in
320 accordance with Sections 907.5.2.1 and 907.5.2.3 is provided in the area of
321 the occupied roof. Emergency voice/alarm communication system
322 notification per Section 907.5.2.2 shall also be provided in the area of the
323 occupied roof where such system is required elsewhere in the building.
- 324 2. Assembly occupancies shall be permitted on roofs of open parking spaces of
325 Type I or Type II construction, in accordance with the exception to Section
326 903.2.1.6.
- 327 3. An open noncombustible trellis or similar overhead shading device
328 complying with the structural requirements of this code shall not be

329 considered as a covering or roof provided that the trellis or shade has an
330 evenly distributed net free area of 50 percent or greater.

331 503.1.4.2 Interstitial Spaces Beneath Rooftop Occupancies. When decks or other
332 walking surfaces are constructed above a roof to facilitate rooftop occupancy, the
333 space between the roof surface and the deck or walking surface shall be
334 constructed in a manner that precludes the accumulation of material between the
335 roof surface and the deck or walking surface and that prevents the introduction of
336 ignition sources to the space, and allows for proper roof drainage.

337 **CHAPTER 9 FIRE PROTECTION AND LIFE SAFETY SYSTEMS.**

338 901.1 Scope. The provisions of this chapter shall specify where fire protection and life
339 safety systems are required and shall apply to the design, installation and operation of fire
340 protection and life safety systems. For those requirements, see Chapter 25-12, Article 7
341 (*Fire Code*).

342 **Table 1004.1.2**

343 **MAXIMUM FLOOR AREA ALLOWANCES PER OCCUPANT**

FUNCTION OF SPACE	OCCUPANT LOAD FACTOR ^a
Accessory storage areas, mechanical equipment room	300 gross
Agricultural building	300 gross
Aircraft hangars	500 gross
Airport Terminal	
Baggage claim	20 gross
Baggage handling	300 gross
Concourse	100 gross
Waiting areas	15 gross
Assembly	

Gaming floors (keno, slots, etc.)	11 gross
Exhibit Gallery and Museum	30 net
Assembly with fixed seats	See Section 1004.5
Assembly without fixed seats	
Concentrated	7 net
Standing space or queuing space	7 net
Unconcentrated (tables and chairs)	15 net
Bowling centers, allow 5 persons for each lane including 15 feet of runway, and for additional areas	7 net
Business areas	100 gross
Courtrooms—other than fixed seating areas	40 net
Day care	35 net
Dormitories	50 gross
Educational	
Classroom area	20 net
Shops and other vocational room areas	50 net
Exercise rooms	50 gross
Group H-5 Fabrication and manufacturing areas	200 gross
Industrial areas	100 gross
Institutional areas	

Inpatient treatment areas	240 gross
Outpatient areas	100 gross
Sleeping areas	120 gross
Kitchens, commercial	200 gross
Library	
Reading rooms	50 net
Stack area	100 gross
Mall buildings—covered and open	See section 402.8.2
Mercantile	60 gross
Storage, stock, shipping areas	300 gross
Parking garages	200 gross
Residential	200 gross
Skating rinks, swimming pools	
Rink and pool	50 gross
Decks	15 gross
Stages and platforms	15 net
Warehouses	500 gross
For SI: 1 square foot = 0.0929 m ² .	
a. Floor area in square feet per occupant	

344 1008.2.1 Illumination Level Under Normal Power. The means of egress illumination
345 level shall be not less than 1 foot-candle (11 lux) at the walking surface.

346 Exception: For auditoriums, theaters, concert or opera halls and similar assembly
347 occupancies, the illumination at the walking surface is permitted to be reduced

348 during performances by one of the following methods provided that the required
349 illumination is automatically restored upon activation of a premises' fire alarm
350 system:

- 351 1. Externally illuminated walking surfaces shall be permitted to be illuminated
352 to not less than 0.2 foot-candle (2.15 lux).
- 353 2. Steps, landings and the sides of ramps shall be permitted to be marked with
354 self-luminous materials in accordance with Sections 1025.2.1, 1025.2.2 and
355 1025.2.4 by systems listed in accordance with UL 1994; or in accordance
356 with Section 1025.6.

357 1009.3 Stairways. In order to be considered part of an accessible means of egress, a
358 stairway between stories shall have a clear width of 48 inches (1,219 mm) minimum
359 between handrails and shall either incorporate an area of refuge within an enlarged floor-
360 level landing or shall be accessed from an area of refuge complying with Section 1009.6
361 (*Areas of Refuge*). Exit access stairways that connect levels in the same story are not
362 permitted as part of an accessible means of egress.

363 Exceptions:

- 364 1. Exit access stairways providing means of egress from mezzanines are
365 permitted as part of an accessible means of egress.
- 366 2. Except for a building governed by Section 403 (*High-Rise Buildings*), the
367 clear width of 48 inches (1,219 mm) between handrails is not required in
368 buildings equipped throughout with an automatic sprinkler system installed
369 in accordance with Section 903.3.1.1 (*NFPA 13 sprinkler systems*) or
370 903.3.1.2 (*NFPA 13R sprinkler systems*).
- 371 3. Areas of refuge are not required at exit access stairways where two-way
372 communication is provided at the elevator landing in accordance with
373 Section 1009.8 (*Two-way communication*).
- 374 4. Except for a building governed by Section 403 (*High-Rise Buildings*), the
375 areas of refuge are not required at stairways in buildings equipped
376 throughout with an automatic sprinkler system installed in accordance with
377 Section 903.3.1.1 (*NFPA 13 sprinkler systems*) or 903.3.1.2 (*NFPA 13R*
378 *sprinkler systems*).
- 379 5. Areas of refuge are not required at stairways serving open parking garages.

- 380 6. Areas of refuge are not required for smoke-protected assembly seating areas
381 complying with Section 1029.6.2 (*Smoke-protected assembly seating*).
- 382 7. Areas of refuge are not required for stairways accessed from a refuge area in
383 conjunction with a horizontal exit.

384 1010.1.2 Door Swing. Egress doors shall be of the pivoted or side-hinged swinging type.

385 Exceptions:

- 386 1. Private garages, office areas, factory and storage areas with an occupant load
387 of 10 or less.
- 388 2. Group I-3 occupancies used as a place of detention.
- 389 3. Critical or intensive care patient rooms within suites of health care facilities.
- 390 4. Doors within or serving a single dwelling unit in Groups R-2 and R-3.
- 391 5. In other than Group H occupancies, revolving doors complying with Section
392 1010.3.1 (*Revolving doors*).
- 393 6. In other than Group H-1, H-2, H-3, and H-4 occupancies, special purpose
394 horizontal sliding, accordion or folding door assemblies complying with
395 Section 1010.3.3.
- 396 7. Power-operated doors in accordance with Section 1010.3.2 (*Power-operated*
397 *doors*).
- 398 8. Doors serving a bathroom within an individual sleeping unit in Group R-1.
- 399 9. In other than Group H occupancies, manually operated horizontal sliding
400 doors are permitted in a means of egress from spaces with an occupant load
401 of 10 or less.

402 1010.2.7 Stairway Doors. Interior stairway means of egress doors shall be openable from
403 both sides without the use of a key or special knowledge or effort.

404 Exceptions:

- 405 1. Stairway discharge doors shall be openable from the egress side and shall only be
406 locked from the opposite side.

- 407 2. This section shall not apply to doors arranged in accordance with Section 403.5.3
408 (*Stairway door operation*).
- 409 3. In stairways serving two stories or greater in a building not classified as a high-rise
410 by Section 403 (*High-Rise Buildings*), doors are permitted to be locked from the
411 side opposite the egress side, provided they are openable from the egress side. The
412 exit doors shall be capable of being unlocked simultaneously without unlatching
413 upon a signal from an approved fire department key switch. The key switch shall
414 be located at the exterior opening of the stair or at the main entrance to the
415 building.
- 416 4. Stairway exit doors shall be openable from the egress side and shall only be locked
417 from the opposite side in Group B, F, M and S occupancies where the only interior
418 access to the tenant space is from a single exit stairway where permitted in Section
419 1006.3.4 (*Single exits*).
- 420 5. Stairway exit doors shall be openable from the egress side and shall only be locked
421 from the opposite side in Group R-2 occupancies where the only interior access to
422 the dwelling unit is from a single exit stairway where permitted in Section 1006.3.4
423 (*Single exits*).
- 424 1010.3.3 Special Purpose Horizontal Sliding, Accordion or Folding Doors. In other than
425 Group H-1, H-2, H3 and H-4 occupancies, special purpose horizontal sliding, accordion
426 or folding door assemblies permitted to be a component of a means of egress in
427 accordance with Exception 6 to Section 1010.1.2 (*Door swing*) shall comply with all of
428 the following criteria:
- 429 1. The doors shall be power operated and shall be capable of being operated
430 manually in the event of power failure.
- 431 2. The doors shall be openable by a simple method without special knowledge or
432 effort from the egress side or sides.
- 433 3. The force required to operate the door shall not exceed 30 pounds (133 N) to set
434 the door in motion and 15 pounds (67 N) to close or open the door to the minimum
435 required width.
- 436 4. The door shall be openable with a force not to exceed 15 pounds (67 N) when a
437 force of 250 pounds (1100 N) is applied perpendicular to the door adjacent to the
438 operating device.

- 439 5. The door assembly shall comply with the applicable fire protection rating and,
440 where rated, shall be self-closing or automatic closing by smoke detection in
441 accordance with Section 716.2.6.6 (*Smoke-activated doors*), shall be installed in
442 accordance with NFPA 80 and shall comply with Section 716 (*Door closing*).
- 443 6. The door assembly shall have an integrated standby power supply.
- 444 7. The door assembly power supply shall be electrically supervised.
- 445 8. The door shall open to the minimum required width within 10 seconds after
446 activation of the operating device.

447 1025.6 Active Egress Path Illumination System. An active egress path illumination
448 system shall be in accordance with Sections 1025.6.1 (*Luminaires*) through 1025.6.6.3
449 (*Instrumentation and Annunciation*). Designs complying with this section are equivalent
450 to the requirements in Sections 1025.1 (*General*) through 1025.5 (*Illumination*).

451 The level of the egress illumination shall be in accordance with Section 1008 (*Means of*
452 *Egress Illumination*).

453 1025.6.1 Luminaires. Luminaires shall be listed for emergency illumination and contain a
454 lamp with an integral battery, battery charger and manual test switch and comply with
455 Article 700 of the Electrical Code. The unit equipment shall be housed in a rated fixture
456 for indoor wet locations. Luminaire batteries shall be listed for use as a secondary power
457 supply in accordance with UL 924. Luminaires shall not be equipped with an occupancy
458 sensor. Every luminaire shall have a test switch to confirm the lamp's availability for
459 service when operating on primary or emergency power.

460 Exception: The integral battery and battery charger is not required when
461 luminaires are connected to a Stored Energy Emergency Power Supply System
462 (SEPSS) complying with Section 1025.6.5 (*Stored Energy Emergency Power*
463 *Supply System*).

464 1025.6.2 Primary and Secondary Electrical Power. A primary and secondary power
465 source shall be provided for each luminaire. Primary power shall be a dedicated electrical
466 branch circuit supplied from utility power. Secondary power shall be a branch circuit
467 connected to an Emergency Power system complying with the International Fire Code
468 Section 1203.2.15 (*Means of Egress illumination*). The primary and emergency source
469 for each luminaire shall be connected to a dedicated primary and emergency power
470 branch circuit.

471 1025.6.3 Location. Luminaires for the active egress path illumination system shall be
472 located at each intermediate landing and stair landing within each interior exit stairway.

473 1025.6.4 Functional Test and Records. The luminaires shall be tested in accordance with
474 Fire Code Section 1032.10 (*Emergency Lighting Equipment Inspection and Testing*)
475 except that the frequency of activation tests shall be weekly. Documentation records for
476 the location of each luminaire and the results of the weekly activation and annual power
477 tests shall be in accordance with Fire Code Section 1032.10 (*Emergency Lighting*
478 *Equipment Inspection and Testing*). Records shall be available to the fire code official
479 upon request. Operational testing and maintenance reports produced by the SEPSS are
480 permitted provided they comply with NFPA 110 Chapter 8.

481 1025.6.5 Lamp Failure. Luminaire lamps that do not operate because of a test or an
482 incident shall be replaced. Any battery that cannot operate a lamp for a minimum of 90
483 minutes shall be replaced.

484 1025.6.6 Stored Energy Emergency Power Supply System (SEPSS). When provided, the
485 SEPSS with an integral alternating current – to – direct current inverter shall comply with
486 International Fire Code Section 1203.1.3 (*Installation*) and be listed in accordance with
487 UL 924. The SEPSS shall be designed as Level 1 system in accordance with NFPA 111.

488 The SEPSS shall be located in a room separated from the remainder of the building by a
489 minimum 1-hour fire-resistance rated construction and required opening protectives in
490 accordance with this code. The design temperature and humidity of the room housing the
491 SEPPS shall be in accordance the manufacture installation instructions.

492 SEPSS is prohibited inside a Fire Command Center.

493 1025.6.6.1 Load Carrying Capacity. Battery systems complying with NFPA 111
494 shall be used to supply the emergency power to luminaires serving the active
495 egress path illumination system. Batteries shall be rated for a minimum 90-minute
496 discharge time and sized based on the total combined load of luminaires connected
497 to the SEPSS.

498 1025.6.6.2 Required SEPSS. In buildings where the highest occupied floor is less
499 than or equal to 120 feet above the lowest level of fire department access, one
500 SEPSS shall be provided that complies with Section 1025.6.6 (*Stored Energy*
501 *Emergency Power Supply System*) for all required interior exit stairways. A SEPSS
502 shall be provided for each required interior exit stairway that serves floors greater
503 than 120 feet above the lowest level of fire department access.

504 1025.6.6.3 Instrumentation and Annunciation. Instrumentation and annunciation
505 shall be in accordance with NFPA 111. A remote annunciator displaying the status
506 of the SEPSS shall be provided in the Fire Command Center. The SEPSS and its
507 annunciator shall display the following information and its function shall be
508 identified in the Fire Command Center:

- 509 1. Electrical load on utility power;
- 510 2. Electrical load on emergency power;
- 511 3. Output circuit breaker open;
- 512 4. Output overload or overcurrent;
- 513 5. High temperature;
- 514 6. Emergency conversion equipment is bypassed;
- 515 7. Low battery capacity; and
- 516 8. Any major or minor alarms prescribed by the SEPSS manufacturer.

517 1101.2 Design. Buildings and facilities shall be designed and constructed to be accessible
518 in accordance with this code and ICC A117.1.

519 Exception: Components of projects designed in accordance with and regulated by
520 the Architectural Barriers Division of the Texas Department of Licensing and
521 Regulation shall be deemed to be in compliance with the requirements of this
522 chapter, provided the scope of accessible features complies with the building code.

523 1108.6.1.2 Type B Units. In structures with three or more dwelling units or sleeping units
524 intended to be occupied as a residence, every dwelling unit and sleeping unit intended to
525 be occupied as a residence shall be a Type B unit.

526 Exception: The number of Type B units is permitted to be reduced in accordance
527 with Section 1108.7 (*General exceptions*).

528 1108.6.2.2.2 Type B Units. Where there are three or more dwelling units or sleeping units
529 intended to be occupied as a residence in a single structure, every dwelling unit and
530 sleeping unit intended to be occupied as a residence shall be a Type B unit.

531 Exception: The number of Type B units is permitted to be reduced in accordance
532 with Section 1108.7 (*General exceptions*).

533 1108.6.2.3.2 Type B Units. Where there are three or more dwelling units or sleeping units
534 intended to be occupied as a residence in a single structure, every dwelling unit and every
535 sleeping unit intended to be occupied as a residence shall be a Type B unit.

536 Exception: The number of Type B units is permitted to be reduced in accordance
537 with Section 1108.7 (*General exceptions*).

538 1108.6.3 Group R-3. In Group R-3 occupancies where there are three or more dwelling
539 units or sleeping units intended to be occupied as a residence in a single structure, every
540 dwelling unit and sleeping unit intended to be occupied as a residence shall be a Type B
541 unit. Bedrooms within congregate living facilities shall be counted as sleeping units for
542 the purpose of determining the number of units.

543 Exception: The number of Type B units is permitted to be reduced in accordance
544 with Section 1108.7 (*General exceptions*).

545 1108.6.4.2 Type B Units. In structures with three or more dwelling units or sleeping units
546 intended to be occupied as a residence, every dwelling unit and sleeping unit intended to
547 be occupied as a residence shall be a Type B unit.

548 Exception: The number of Type B units is permitted to be reduced in accordance
549 with Section 1108.7 (*General exceptions*).

550 1301.1 Energy Efficiency. Buildings shall be designed and constructed in accordance
551 with the Energy Code.

552 1607.8.2 Fire Truck and Emergency Vehicles. Where a structure or portions of a structure
553 are accessed and loaded by fire department access vehicles and other similar emergency
554 vehicles, the structure shall be designed as specified in the Fire Code Section 503.2.6
555 (*Bridges and elevated surfaces*).

556 **Section 1612 FLOOD LOADS.**

557 1612.1 General. A building or structure in a flood hazard area shall be designed and
558 constructed according to Article 3 (*Flood Hazard Areas*).

559 1612.2 Design and Construction. A building or structure in a flood hazard area shall be
560 designed in accordance with Article 3 (*Flood Hazard Areas*).

561 1612.3 Establishment of Flood Hazard Areas. Flood hazard areas are established in
562 Article 3 (*Flood Hazard Areas*).

563 1612.4 Flood Hazard Documentation. Article 3 (*Flood Hazard Areas*) describes the
564 documentation necessary for a building or structure located in a flood hazard area.

565 **Section 1811 EARTH RETENTION SYSTEMS**

566 1811.1 Tieback Anchors and Soil and Rock Nails. Tieback anchors and soil and rock
567 nails that are allowed in the public right-of-way as components of earth retention systems
568 as provided in Section 3202.1.4 (*Earth retention system components*) shall comply with
569 Sections 1811.1.1 (*Depth of tiebacks anchors and soil and rock nails*) through 1811.1.3
570 (*Length of tiebacks anchors and soil and rock nails*).

571 1811.1.1 Depth of Tieback Anchors and Soil and Rock Nails. At the right-of-way line,
572 tieback anchors and soil and rock anchors shall be at least 6 feet (1,829 mm) below the
573 elevation of the adjacent street curb.

574 1811.1.2 Separation Distance from Buried Utilities. Tieback anchors and soil and rock
575 nails shall be below and at least five feet (1,524 mm) away from the nearest outside
576 surface of any existing or planned buried utility in the public right-of-way.

577 1811.1.3 Length of Tieback Anchors and Soil and Rock Nails. Tieback anchors and soil
578 and rock nails that extend beyond the center of the public right-of-way are prohibited.

579 2108.4 ACI 530/ASCE 5/TMS402

580 Section 3.1.7.2.2. In Plane Bending. For masonry subjected to in-plane loads, the
581 modulus of rupture, f_r , normal and parallel to the bed joints shall be taken from Table
582 3.1.7.2.1. For grouted stack bond masonry, tension parallel to the bed joints shall be
583 assumed to be resisted only by the continuous horizontal grout section.

584 2901.1 Scope. The provisions of this chapter and the Plumbing Code shall govern the
585 design, construction, erection and installation of plumbing components, appliances,
586 equipment and systems used in buildings and structures covered by this code.

587 Table 2902.1, Column Header 4. Reference to Section 424.2 of the International
588 Plumbing Code shall be replaced with the following: In each bathroom or toilet room,
589 urinals shall not be substituted for more than 67 percent of the required water closets in
590 assembly and educational occupancies. Urinals shall not be substituted for more than 50
591 percent of the required water closets in all other occupancies.

592 Table 2902.1, Column Header 7. Reference to Section 410 of the International Plumbing
593 Code shall be replaced with Section 415 of the Plumbing Code.

594 2902.2 Separate Facilities. Where plumbing fixtures are required, separate facilities shall
595 be provided for each sex.

596 Exceptions:

- 597 1. Separate facilities shall not be required for dwelling units and sleeping units.
- 598 2. Separate facilities shall not be required in structures or tenant spaces with a
599 total occupant load, including both employees and customers, of 15 or
600 fewer.
- 601 3. Separate facilities shall not be required in mercantile occupancies in which
602 the maximum occupant load is 100 or fewer.
- 603 4. Separate facilities shall not be required in business occupancies when the
604 maximum occupant load is 50 or fewer.
- 605 5. Separate facilities shall not be required to be designated by sex where single-
606 user toilets rooms are provided in accordance with Section 2902.1.2.
- 607 6. Separate facilities shall not be required where rooms having both water
608 closets and lavatory fixtures are designed for use by both sexes and privacy
609 for water closets are installed in accordance with Section 405.3.4 of the
610 International Plumbing Code. Urinals shall be located in an area visually
611 separated from the remainder of the facility or each urinal that is provided
612 shall be located in a stall.

613 2902.6 Small Occupancies. Drinking fountains shall not be required for an occupant load
614 of 30 or fewer. For a business or a mercantile occupancy where the occupancy load is 30
615 or fewer, service sinks shall not be required.

616 3103.5 Portable Classrooms. Portable classroom buildings may be moved into or within
617 this jurisdiction or within a public school district without conforming to the adopted
618 Energy Code.

619 3201.1 Encroachments Scope. The provisions of this chapter shall govern the
620 encroachment of structures into the public right-of-way, including components of earth
621 retention systems used to facilitate below-grade construction of a building or structure.

622 3202.1 Encroachments Below Grade. Encroachments below grade shall comply with
623 Sections 3202.1.1 (*Structural support*) through 3202.1.4 (*Earth retention system*
624 *components*).

625 3202.1.4 Earth Retention System Components. Components of earth retention systems
626 that are required for structural support of a building or structure are prohibited in the
627 public right-of-way. Components of earth retention systems that are needed only during
628 construction of the below-grade portion of a building or structure are subject to the
629 following conditions:

- 630 1. Approval of the Director of the Public Works Department is required before
631 construction of earth retention system components in public right-of-way
632 commences.
- 633 2. All components of an earth retention system are prohibited in the public right-of-
634 way except for (1) tieback anchors that are part of a soldier pile and lagging
635 system; (2) tieback anchors that are part of a diaphragm or slurry wall system; (3)
636 tieback anchors that are part of a sheet pile wall system; (4) tieback anchors that
637 are part of a secant wall system; and (5) soil or rock nails that are part of a nail
638 wall.
- 639 3. Tieback anchors or soil or rock nails that are necessary as functional components
640 of the earth retention system for longer than 12 months are prohibited in the public
641 right-of-way.
- 642 4. Tieback anchors and soil and rock nails allowed in the public right-of-way shall be
643 designed according to the criteria in Section 1811 (*Earth Retention Systems*).

644 3202.3.4 Pedestrian Walkways. An approved encroachment agreement that complies with
645 Chapter 14-11 (*Use of Right of Way*) is required prior to the installation of a pedestrian
646 walkway and all associated utilities over a public right-of-way. The vertical clearance
647 from the public right-of-way to the lowest part of a pedestrian walkway shall be not less
648 than 16 feet 6 inches over roadway and alley subject to truck traffic, and not less than 15
649 feet over other areas in the right-of-way.

650 **PART 2.** City Code Chapter 25-12 (*Technical Codes*) is amended to repeal and replace
651 Article 10 (*Existing Building Code*) to read:

652 ***ARTICLE 10. EXISTING BUILDING CODE.***

653 **§ 25-12-231 INTERNATIONAL EXISTING BUILDING CODE.**

- 654 (A) The International Existing Building Code, 2021 Edition, published by the
655 International Code Council (“2021 International Existing Building Code”) is
656 adopted and incorporated by reference into this section with the deletions in

657 Subsection (B) and the amendments in Section 25-12-233 (*Local Amendments to*
658 *the International Existing Building Code*).

659 (B) The following provisions of the 2021 International Existing Building Code are
660 deleted.

661

103 plus subsections	105.1.1	105.5	106.2.6	111.3	112
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662

663 (C) The city clerk shall file a copy of the 2021 International Existing Building Code
664 with the official ordinances of the City.

665 **§ 25-12-232 CITATIONS TO THE EXISTING BUILDING CODE.**

666 In the City Code, “Existing Building Code” means the 2021 International Existing
667 Building Code adopted in Section 25-12-231 (*International Existing Building Code*) as
668 amended by Section 25-12-233 (*Local Amendments to the International Existing Building*
669 *Code*). In this article, “this code” means the Existing Building Code.

670 **§ 25-12-233 LOCAL AMENDMENTS TO THE INTERNATIONAL EXISTING**
671 **BUILDING CODE.**

672 Each provision in this section is a substitute for the identically numbered provision
673 deleted in Section 25-12-231 (B) (*International Existing Building Code*) or is an addition
674 to the 2021 International Existing Building Code.

675 **SECTION 103 BUILDING OFFICIAL.**

676 [A] 103.1 Authority. The building official administers, enforces, and interprets this code.
677 The building official may designate one or more deputy building officials.

678 105.1.1 Annual permit. Instead of an individual permit for each alteration to an already
679 approved electrical, gas, mechanical or plumbing installation, and minor building
680 alterations and repairs, the building official is authorized to issue an annual permit upon
681 application therefor to any person, firm or corporation regularly employing one or more
682 qualified trade persons in the building, structure or on the premises owned or operated by
683 the applicant for the permit. The facility shall maintain records on all work performed
684 under the annual permit in accordance with Section 105.1.2 (*Annual Permit Records*).

685 105.1.1.1 Authorized Scope of Work. See Building Criteria Manual, Section 1.1.2
686 (*Building Inspection Processes*) for authorized work under the annual permit.

687 105.5 Time Limits. Article 13 (*Administration of Technical Codes*) of this chapter
688 establishes permit application time limits and requirements applicable to permit
689 expiration and reactivation, including a review fee for expired permits.

690 106.2.6 Site plan. The construction documents submitted with the application for permit
691 shall be accompanied by a site plan showing to scale the size and location of new
692 construction and existing structures on the site, distances from lot lines, the established
693 street grades and the proposed finished grades and, as applicable, flood hazard areas,
694 floodways, and design flood elevations: and it shall be drawn in accordance with an
695 accurate boundary line survey. In the case of demolition, the site plan shall show
696 construction to be demolished and the location and size of existing structures and
697 construction that are to remain on the site or plot. For a building or structure involving
698 below-grade construction, the site plan shall show the location of proposed earth
699 retention system components allowed under Section 3202.1.4 (*Earth Retention System*
700 *Components*) of the Building Code. The building official is authorized to waive or
701 modify the requirement of the site plan when the application for permit is for alteration,
702 repair or change of occupancy when otherwise warranted.

703 111.3 Authority to Disconnect Service Utilities. The building official shall have the
704 authority to authorize disconnection of utility service to the building, structure or system
705 regulated by this code and the referenced codes and standards in case of emergency
706 where necessary to eliminate an immediate hazard to life or property, where one or more
707 circumstances listed in Section 15-9-101(A)(2) (*Basis for Termination of Service*) exist,
708 or where such utility connection has been made without the approval required by Section
709 112.1 or 112.2. The building official shall provide notice in accordance with Section 15-
710 9-106 (*Notice of Service Disconnection*) of the decision to disconnect prior to taking such
711 action. If not notified prior to disconnecting, the owner or the owner's authorized agent or
712 occupant of the building, structure or service system shall be notified in writing, as soon
713 as practical thereafter in accordance with Section 15-9-106 (*Notice of Service*
714 *Disconnection*).

715 **Section 112 BUILDING AND FIRE CODE BOARD OF APPEALS.** The Building
716 and Fire Code Board of Appeals shall comply with Chapter 2-1 (*Boards and*
717 *Commissions*).

718 **PART 3.** City Code Chapter 25-12 (*Technical Codes*) is amended to repeal and replace
719 Article 13 (*Administration of Technical Codes*) to read as follows:

720 **ARTICLE 13. ADMINISTRATION OF TECHNICAL CODES.**

721 **§ 25-12-266 APPLICATION AND APPROVAL.**

722 City Code Chapter 25-1, Article 4 (*Application and Approval*) establishes general
723 provisions and requirements for filing and review of a permit application. Unless a permit
724 is issued, an application for any proposed work expires one year after the date the
725 application is filed. See the Building Criteria Manual for additional rules.

726 **§ 25-12-267 EXPIRATION.**

727 Except as provided in Section 25-12-268 (*Extension*) and Section 25-12-269
728 (*Reactivation*), a permit issued per the requirements of Chapter 25-11 (*Building,*
729 *Demolition, and Relocation Permits; Special Requirements for Historic Structures*) and
730 Chapter 25-12 (*Technical Codes*) expires on the 181st day:

- 731 1. after the date that the permit is issued, if the project has received no inspections as
732 required under this chapter; or
- 733 2. after the date of the last scheduled inspection if that inspection is scheduled before
734 the 181st day and once performed, shows progress towards completion of the
735 project.

736 Exception: An annual permit issued under Section 105.1.1 of the Building Code is
737 only valid for a period of 360 days from the date of issuance and does not qualify
738 for extension or reactivation.

739 **§ 25-12-268 EXTENSION.**

740 Upon written request submitted prior to the expiration date, the building official
741 may grant a one-time extension for a period not to exceed 180 days. Except as provided
742 in Section 25-12-269 (*Reactivation*), a permit issued per the requirements of this chapter
743 expires on the 181st day after the extension is granted if the project has received no
744 inspections required by this chapter.

745 **§ 25-12-269 REACTIVATION.**

- 746 (A) Except as provided in Subsection (C), the building official may reactivate a permit
747 issued pursuant Chapter 25-11 (*Building, Demolition, and Relocation Permits;*
748 *Special Requirements for Historic Structures*) and Chapter 25-12 (*Technical*
749 *Codes*) for a project that has received no inspections for a period of more than 180
750 days.
- 751 (B) A permit holder shall submit an application to reactivate a permit on a form
752 provided by the building official and pay a reactivation fee established by separate
753 ordinance.

- 754 (C) The building official may not reactivate a permit if the permit:
755 (1) was reactivated at least once; and
756 (2) does not comply with the City Code in effect at the time a permit holder
757 requests a reactivation.
- 758 (D) The building official may adopt an administrative rule that establishes additional
759 criteria for reactivating a permit.
- 760 (E) A permit that is reactivated in accordance with this section expires on the 181st
761 day after the date that the permit is reactivated if the project has received no
762 inspections as required by Chapter 25-11 (*Building, Demolition, and Relocation*
763 *Permits; Special Requirements for Historic Structures*) and Chapter 25-12
764 (*Technical Codes*).

765 **§ 25-12-270 REVIEW FEE FOR EXPIRED PERMITS.**

766 An applicant for a permit under this chapter shall pay an expired permit review fee,
767 established by separate ordinance, if the applicant has obtained one or more expired
768 permits that have not been either reactivated in accordance with the requirements of
769 Section 25-12-269 (*Reactivation*) or withdrawn by the property owner, in writing, on a
770 form provided by the building official

771 **§ 25-12-271 NOTICE OF APPEAL OR CASE BEFORE BOARD OR**
772 **COMMISSION UNDER THIS CHAPTER.**

773 Notice of a hearing on an appeal or case before a board or commission created by,
774 or having jurisdiction over, regulations contained in, or enforcement authorized under
775 this chapter, shall be given by mailing notice before the tenth day before the date of the
776 hearing to:

- 777 (1) the applicant;
778 (2) the notice owner of the subject property, if any;
779 (3) all parties to the appeal, including interested parties; and
780 (4) for an appeal or case before the Building and Standards Commission, to the
781 record owner, and all lienholders of record on the subject property.

782 **§ 25-12-272 RECOMMENDATION.**

783 The Building and Fire Code Board of Appeals is the board authorized to make
784 recommendations for changes to this article.

785 **PART 4.** City Code Chapter 25-12 (*Technical Codes*) is amended to add a new Article 3
786 (*Flood Hazard Areas*) to read as follows:

787 **ARTICLE 3. FLOOD HAZARD AREAS**

788 **§ 25-12-51 APPLICABILITY.**

- 789 (A) This article applies to the design, construction of buildings and structures, and
790 additions and alterations to buildings and structures located in flood hazard areas.
- 791 (B) This article is administered, implemented, and enforced in conjunction with each
792 article of Chapter 25-12 (*Technical Codes*).
- 793 (C) This article is amended in the same manner as the Building and Residential Codes.

794 **§ 25-12-52 DEFINITIONS.**

- 795 (A) Except as otherwise provided, the definitions in this subsection apply to all articles
796 in this chapter:
- 797 (1) **BASE FLOOD** A flood that has the following characteristics:
- 798 (a) For areas amended to incorporate Atlas 14 data, a flood that has a one
799 percent chance of being equaled or exceeded in any given year (100-
800 year flood) calculated under fully developed conditions as prescribed
801 by the Drainage Criteria Manual as amended to incorporate Atlas 14
802 data;
- 803 (b) For areas not yet amended to incorporate Atlas 14 data, a flood that
804 has a 0.2 percent chance of being equaled or exceeded in any given
805 year (500-year flood) calculated under the conditions underlying the
806 FEMA Flood Insurance Rate Map as of January 6, 2016, as
807 subsequently revised, or as calculated under existing conditions as
808 prescribed by the Drainage Criteria Manual using data predating Atlas
809 14; or
- 810 (c) For the Colorado River, a flood that has a one percent chance of being
811 equaled or exceeded in any given year (100-year flood) calculated
812 under the conditions underlying the FEMA Flood Insurance Rate Map
813 dated January 6, 2016, or as subsequently revised.

- 814 (2) **BASE FLOOD ELEVATION** The elevation of the base flood, including
815 wave height, relative to the National Geodetic Vertical Datum (NGVD),
816 North American Vertical Datum (NAVD) or other datum specified on the
817 Flood Insurance Rate Map (FIRM).
- 818 (3) **DESIGN FLOOD** A flood that has the following characteristics:
819 (a) For areas amended to incorporate Atlas 14 data, a flood associated
820 with an area of a floodplain subject to a one percent or greater chance
821 of being flooded in any year (100-year flood) based on projected full
822 development in accordance with the City of Austin Drainage Criteria
823 Manual as amended to incorporate Atlas 14 data;
- 824 (b) For areas not yet amended to incorporate Atlas 14 data, a flood
825 associated with an area of a floodplain subject to a 0.2 percent or
826 greater chance of being flooded in any year (500-year flood)
827 calculated under the conditions underlying the FEMA Flood Insurance
828 Rate Map as of January 6, 2016, as subsequently revised, or as
829 calculated under existing conditions as prescribed by the Drainage
830 Criteria Manual using data predating Atlas 14; or
- 831 (c) For the Colorado River, a flood associated with an area of a floodplain
832 subject to a one percent or greater chance of being flooded in any year
833 (100-year flood) as depicted on the FEMA Flood Insurance Rate Map
834 dated January 6, 2016, or as subsequently revised.
- 835 (4) **DESIGN FLOOD ELEVATION** The elevation of the “design flood” relative
836 to the City of Austin vertical datum standard.
- 837 (5) **DEVELOPMENT** Any man-made change to improved or unimproved real
838 estate, including but not limited to, buildings or other structures, temporary
839 or permanent storage of materials, mining, dredging, filling, grading, paving,
840 excavations, operations and other land disturbing activities.
- 841 (6) **FLOOD or FLOODING** A general and temporary condition of partial or
842 complete inundation of normally dry land from:
- 843 (a) the overflow of inland waters; or
- 844 (b) the unusual and rapid accumulation or runoff of surface waters from
845 any source.

- 846 (7) FLOOD DAMAGE-RESISTANT MATERIALS Any construction material
847 capable of withstanding direct and prolonged contact with floodwaters
848 without sustaining any damage that requires more than cosmetic repair.
- 849 (8) FLOOD HAZARD AREA An area that has the following characteristics:
- 850 (a) For areas amended to incorporate Atlas 14 data, an area within a
851 floodplain subject to a one percent or greater chance of being flooded
852 in any year (100-year flood) based on projected full development in
853 accordance with the City of Austin Drainage Criteria Manual as
854 amended to incorporate Atlas 14 data;
- 855 (b) For areas not yet amended to incorporate Atlas 14 data, an area of a
856 floodplain subject to a 0.2 percent or greater chance of being flooded
857 in any year (500-year flood) calculated under the conditions
858 underlying the FEMA Flood Insurance Rate Map as of January 6,
859 2016, as subsequently revised, or as calculated under existing
860 conditions as prescribed by the Drainage Criteria Manual using data
861 predating Atlas 14; or
- 862 (c) For the Colorado River, an area within a floodplain subject to a one
863 percent or greater chance of being flooded in any year (100-year
864 flood) as depicted on the FEMA Flood Insurance Rate Map dated
865 January 6, 2016, or as subsequently revised.
- 866 (9) FLOOD INSURANCE RATE MAP (FIRM) An official map of a
867 community on which the Federal Emergency Management Agency (FEMA)
868 has delineated both the special flood hazard areas and the risk premium
869 zones applicable to the community.
- 870 (10) FLOOD INSURANCE STUDY The official report provided by the Federal
871 Emergency Management Agency containing the Flood Insurance Rate Map
872 (FIRM), the Flood Boundary Map, the water surface elevation of the base
873 flood, and supporting technical data.
- 874 (11) FLOODWAY The channel of the river, creek, or other watercourse and the
875 adjacent land areas that shall be reserved in order to discharge the base flood
876 without cumulatively increasing the water surface elevation more than a
877 designated height. An area that has the following characteristics:

- 878 (a) For the Colorado River, an area with a floodplain subject to a four
879 percent or greater chance of flooding in any year (25-year flood)
880 based on existing developed conditions as prescribed by the Drainage
881 Criteria Manual using data predating Atlas 14; or
- 882 (b) For all other rivers, creeks, and watercourses in areas amended to
883 incorporate Atlas 14 data, an area with a four percent or greater
884 chance of flooding in any year (25-year flood) based on a projected
885 full development in accordance with the City of Austin Drainage
886 Criteria Manual as amended to incorporate Atlas 14 data; or
- 887 (c) For all other rivers, creeks, and watercourses in areas not yet amended
888 to incorporate Atlas 14 data, an area with a one percent or greater
889 chance of flooding in any year (100-year flood) based on a projected
890 full development in accordance with the City of Austin Drainage
891 Criteria Manual using data predating Atlas 14.
- 892 (12) FUNCTIONALLY DEPENDENT FACILITY A facility which cannot be
893 used for its intended purpose unless it is located or carried out in close
894 proximity to water, such as a docking or port facility necessary for the
895 loading or unloading of cargo or passengers, shipbuilding or ship repair. The
896 term does not include long-term storage, manufacture, sales or service
897 facilities.
- 898 (13) MANUFACTURED HOME A structure that is transportable in one or more
899 sections, built on a permanent chassis, designed for use with or without a
900 permanent foundation when attached to the required utilities, and
901 constructed to the Federal Mobile Home Construction and Safety Standards
902 and rules and regulations promulgated by the U.S. Department of Housing
903 and Urban Development. The term also includes mobile homes, park trailers,
904 travel trailers and similar transportable structures that are placed on a site for
905 180 consecutive days or longer.
- 906 (14) MANUFACTURED HOME PARK OR SUBDIVISION A parcel (or
907 contiguous parcels) of land divided into two or more manufactured home
908 lots for rent or sale.
- 909 (15) RECREATIONAL VEHICLE A vehicle that is built on a single chassis, 400
910 square feet (37.16 m²) or less when measured at the largest horizontal
911 projection, designed to be self-propelled or permanently towable by a light-
912 duty truck, and designed primarily not for use as a permanent dwelling but,

913 as temporary living quarters for recreational, camping, travel or seasonal
914 use. A recreational vehicle is ready for highway use if it is on its wheels or
915 jacking system, is attached to the site only by quick disconnect-type utilities
916 and security devices and has no permanently attached additions.

917 (16) **REGULATORY FLOOD DATUM** An established plane of reference from
918 which elevations and depth of flooding may be determined for specific
919 locations of the floodplain. It is the water level of the design flood plus a
920 freeboard factor of one foot. Design flood plus freeboard equals Regulatory
921 Flood Datum.

922 (17) **SPECIAL FLOOD HAZARD AREA** The land area subject to flood hazards
923 and shown on a Flood Insurance Rate Map or other flood hazard map as
924 Zone A, AE, A1-30, A99, AR, AO, AH, V, VO, VE or VI-30.

925 (18) **START OF CONSTRUCTION** The date a permit is issued for new
926 construction or substantial improvements to existing structures if
927 construction, repair, reconstruction, rehabilitation, addition, placement or
928 other improvement starts within 180 days from the date the permit is issued.
929 Construction starts when permanent construction of a building (including a
930 manufactured home) is first placed and includes pouring a slab or footing,
931 installing pilings, or constructing columns. Permanent construction does not
932 include preparing land (clearing, excavating, grading, or filing); installing
933 streets or walkways; excavating for a basement, footing, pier, or foundation;
934 or erecting temporary forms or installing accessory buildings not occupied
935 as dwelling units or not part of the main building. For a substantial
936 improvement, construction starts when a wall, ceiling, floor, or other
937 structural part of a building is altered even if the alteration does not affect
938 the external dimensions of the building.

939 (19) **SUBSTANTIAL DAMAGE** Damage of any origin sustained by a structure,
940 whereby the cost of restoring the structure to its before-damage condition
941 would equal or exceed 50 percent of the market value of the structure before
942 the damage occurred.

943 (20) **SUBSTANTIAL IMPROVEMENT** For the purpose of determining
944 compliance with the flood hazard management provisions of the Building
945 Code, a substantial improvement is any combination of repair,
946 reconstruction, rehabilitation, alteration, addition or other improvement of a
947 building or structure during the immediate 10-year period, the cost of which
948 cumulatively equals or exceeds 50 percent of the market value of the

949 structure before the improvement or repair is started, or if the structure has
950 been damaged and is being restored, before the damage occurred. If the
951 structure has sustained substantial damage, any repairs are considered
952 substantial improvement regardless of the actual repair work performed. The
953 term does not, however, include either of the following:

- 954 1. Any project for improvement of a building required to correct existing
955 health, sanitary or safety code violations identified by the building
956 official and that are the minimum necessary to assure safe living
957 conditions.
- 958 2. Any alteration of a historic structure, provided that the alteration will
959 not preclude the structure's continued designation as a historic
960 structure; for the purpose of this exclusion, a historic building is a
961 building that is:
 - 962 a. listed or preliminarily determined to be eligible for listing in the
963 National Register of Historic Places; or
 - 964 b. determined by the Secretary of the U.S. Department of the
965 Interior as contributing to the historical significance of a
966 registered historic district or a district preliminarily determined
967 to qualify as a historic district; or
 - 968 c. designated as historic under a State of Texas or local historic
969 preservation program that is approved by the Department of the
970 Interior.

971 (22) VARIANCE A grant of relief from the requirements of this article which
972 permits construction in a manner otherwise prohibited by this article where
973 specific enforcement would result in unnecessary hardship.

974 (B) A term defined in an article in this chapter has the same meaning in this article.

975 **§ 25-12-53 FLOOD LOADS.**

976 (A) General

- 977 (1) Within flood hazard areas as established in Subsection (B) (*Establishment of*
978 *flood hazard areas*), all new construction and alterations of buildings,
979 structures and portions of buildings and structures, including substantial
980 improvement and restoration of substantial damage to buildings and

981 structures, shall be designed and constructed to resist the effects of flood
982 hazards and flood loads. When new construction constitutes a substantial
983 improvement or restoration of substantial damage all aspects of the existing
984 structure shall be brought into compliance with the requirements for new
985 construction for flood design. All elevation requirements noted in this
986 ordinance shall be documented using the Elevation Certificate, FEMA 086-
987 0-33, and shall be certified by a registered professional engineer, surveyor,
988 or architect, and shall be submitted to the Floodplain Administrator.

989 (2) Except as otherwise provided, this section applies to residential and non-
990 residential building and structures.

991 (B) Establishment of flood hazard areas. The City establishes a flood hazard area that
992 includes the following:

993 (1) areas of special flood hazard areas identified by the Federal
994 Emergency Management Agency in the current scientific and
995 engineering report entitled, "The Flood Insurance Study (FIS) for
996 Williamson County, Texas and Incorporated Areas" dated December
997 20, 2019, with accompanying Flood Insurance Rate Maps (FIRM)
998 dated December 20, 2019, the current scientific and engineering
999 report entitled "The Flood Insurance Study for Travis County, Texas
1000 and Incorporated Areas" dated January 6, 2016, with accompanying
1001 Flood Insurance Rate Maps dated January 6, 2016, and any revisions
1002 are adopted by reference and declared to be a part of this section; and

1003 (2) the 100-year and 25-year floodplains as defined in the Austin City
1004 Code are adopted by reference and declared to be part of this section.

1005 (C) Design and construction. The design and construction of buildings and structures,
1006 and additions and alterations to buildings and structures located in flood hazard
1007 areas, shall be in accordance with ASCE 24, Flood Resistant Design and
1008 Construction.

1009 (1) Elevation Requirements.

1010 (a) Unless otherwise specified in Title 25 (*Land Development*), the lowest
1011 floor of a building or structure shall be elevated a minimum of two
1012 feet above the design flood elevation.

- 1013 (b) Freeboard. Unless otherwise specified in the Title 25 (*Land*
1014 *Development*), a minimum freeboard of two foot shall be added where
1015 the design flood elevation or other elevation requirements are
1016 specified.
- 1017 (c) In areas of shallow flooding (AO Zones), the lowest floor (including a
1018 basement) of a building or structure shall be elevated higher than the
1019 highest adjacent grade as the depth number specified in feet (mm) on
1020 the FIRM plus two feet, or at least three feet (915 mm) if a depth
1021 number is not specified.
- 1022 (d) A basement floor that is below grade on all sides shall be elevated at
1023 least two feet above the design flood elevation.
- 1024 Exception. An enclosed area, including a basement, which is below
1025 the design flood elevation but not below grade on all sides shall meet
1026 the requirements in Subsection (C)(2) (*Enclosed area below design*
1027 *flood elevation*).
- 1028 (2) Enclosed area below design flood elevation. An enclosed area, including a
1029 crawl space, that is below the regulatory flood datum shall:
- 1030 (a) be used only for parking vehicles, building access or storage
1031 excluding property, material, or equipment that may constitute a
1032 safety hazard when contacted by flood waters;
- 1033 (b) include flood openings that meet the following criteria:
- 1034 (i) the enclosed area shall have a minimum of two openings
1035 located on different sides of the enclosed area; if a building
1036 includes more than one enclosed area below the design flood
1037 elevation, each area shall have openings on exterior walls;
- 1038 (ii) the total net area of all openings shall be at least 1 square inch
1039 (645 mm²) per square foot (0.093 m²) of the enclosed area, or
1040 the openings are designed and the construction documents state
1041 that the design and installation will provide for the equalization
1042 of hydrostatic flood forces on exterior walls by allowing for the
1043 automatic entry and exit of floodwaters;
- 1044 (iii) the bottom of each opening is 1 foot (305 mm) or less above
1045 adjacent ground level;

- 1046 (iv) each opening is at least 3 inches (76 mm) in diameter;
- 1047 (v) any louvers, screens or other opening covers allow the
1048 automatic flow of floodwaters into and out of the enclosed
1049 areas;
- 1050 (vi) a door or window that does not meet the requirements in
1051 Subsection (C)(2)(b)(i) through (v) does not comply with this
1052 section; and
- 1053 (vii) constructed of flood damage-resistant materials.
- 1054 (3) Provisions of safe refuge.
- 1055 (a) A building or structure constructed in the flood hazard area where the
1056 ground surface is below the design flood elevation or where flood
1057 water velocities at the building may exceed five feet per second shall
1058 provide an enclosed refuge space two feet or more above the design
1059 flood elevation of sufficient area to provide for the occupancy load
1060 with a minimum of 12 square feet per person. The refuge space shall
1061 be provided to an exterior platform and stairway not less than three
1062 feet wide.
- 1063 (b) An existing building or structure in a flood hazard area that is
1064 substantially improved or where a change of use or occupancy is
1065 made, shall conform to the requirements of Subsection (a).
- 1066 (c) Regardless of the structure or space classification, a floor level or
1067 portion of a building or structure that is lower than two feet above the
1068 design flood elevation shall not be used residentially, or for storage of
1069 any property, materials, or equipment that might constitute a safety
1070 hazard when contacted by flood waters.
- 1071 (4) Means of egress.
- 1072 (a) Unless otherwise approved by the building official, normal access to
1073 the building shall be by direct connection with an area that is a
1074 minimum of one foot above the design flood elevation.
- 1075 (b) For a building that is part of a single-family condo regime residential
1076 building permit application and part of a site plan that was approved

1077 between December 1, 2017, and November 25, 2019, compliance with
1078 this section shall be determined at the time of site plan approval.

1079 (c) For a building that is part of a single-family building permit
1080 application and part of (a) a preliminary plan that was submitted for
1081 approval between December 1, 2014, and November 25, 2019, or (b)
1082 a final plat that was approved between December 1, 2017, and
1083 November 25, 2019, compliance with this section shall be determined
1084 at the time of preliminary plan or final plat approval, respectively.

1085 (d) For all other buildings subject to Article 11 (*Residential Code*),
1086 compliance with this section shall be determined at the time of
1087 building permit application.

1088 Exception. This subsection does not apply to an addition or alteration
1089 to an existing building or structure subject to Article 11 (*Residential*
1090 *Code*) that is not a substantial improvement as defined in Section 25-
1091 12-52 (*Definitions*).

1092 (5) Installation of openings. The walls of enclosed areas shall have openings
1093 installed such that:

1094 (a) There shall be not less than two openings on different sides of each
1095 enclosed area; if a building has more than one enclosed area, each
1096 area shall have openings.

1097 (b) The bottom of each opening shall be not more than 1 foot (305 mm)
1098 above the higher of the final interior grade or floor and the finished
1099 exterior grade immediately under each opening.

1100 (c) Openings shall be permitted to be installed in doors and windows;
1101 doors and windows without installed openings do not meet the
1102 requirements of this section.

1103 (D) Flood hazard documentation. For construction in flood hazard areas, the following
1104 documentation shall be prepared and sealed by a registered design professional and
1105 submitted to the building official:

1106 (1) The elevation of the lowest floor, including the basement, as required by the
1107 lowest floor elevation inspection in Building Code Section 110.3.3 (*Lowest*
1108 *floor elevation*) and for the final inspection in Building Code Section
1109 110.3.10.1 (*Flood hazard documentation*).

- 1110 (2) For fully enclosed areas below the design flood elevation where provisions
1111 to allow for the automatic entry and exit of floodwaters do not meet the
1112 minimum requirements in Section 2.6.2.1 of ASCE 24, construction
1113 documents shall include a statement that the design will provide for
1114 equalization of hydrostatic flood forces in accordance with Section 2.6.2.2 of
1115 ASCE 24.
- 1116 (3) For dry flood-proofed nonresidential buildings, construction documents shall
1117 include a statement that the dry floodproofing is designed in accordance with
1118 ASCE 24.
- 1119 (4) The as-built elevation documentation of the elevations specified in Section
1120 25-12-53(C)(1) (*Elevation Requirements*).

1121 **§ 25-12-54 FLOOD-RESISTANT CONSTRUCTION.**

- 1122 (A) Statutory Authorization. As a home-rule city, the City of Austin has the
1123 responsibility and power to adopt regulations designed to minimize flood losses.
1124 The Legislature of the State of Texas has in Sections 16.3145 and 16.315 of the
1125 Texas Water Code authorized local government units to adopt regulations designed
1126 to minimize flood losses.
- 1127 (B) Administration
- 1128 (1) Purpose. The purpose of this section is to promote the public health, safety
1129 and general welfare and to minimize public and private losses due to flood
1130 conditions in specific flood hazard areas through the establishment of
1131 comprehensive regulations for management of flood hazard areas designed
1132 to:
- 1133 (a) prevent unnecessary disruption of commerce, access and public
1134 service during times of flooding;
 - 1135 (b) manage the alteration of natural flood plains, stream channels and
1136 shorelines;
 - 1137 (c) manage filling, grading, dredging and other development which may
1138 increase flood damage or erosion potential;
 - 1139 (d) prevent or regulate the construction of flood barriers which will divert
1140 floodwaters or which can increase flood hazards;

- 1141 (e) contribute to improved construction techniques in the flood plain;
- 1142 (f) restrict or prohibit uses that are dangerous to health, safety or property
1143 in times of flood, or cause excessive increases in flood heights or
1144 velocities; and
- 1145 (g) require that uses vulnerable to floods, including facilities which serve
1146 such uses, be protected against flood damage at the time of initial
1147 construction.
- 1148 (2) Objectives. The objectives of this section are to protect human life, minimize
1149 the expenditure of public money for flood control projects, minimize the
1150 need for rescue and relief efforts associated with flooding, minimize
1151 prolonged business interruption, minimize damage to public facilities and
1152 utilities, help maintain a stable tax base by providing for the sound use and
1153 development of flood-prone areas, contribute to improved construction
1154 techniques in the flood plain and ensure that potential owners and occupants
1155 are notified that property is within flood hazard areas.
- 1156 (3) Scope. The provisions of this section shall apply to all proposed
1157 development in a flood hazard area established in Section 25-12-53 (*Flood*
1158 *Loads*) of this code.
- 1159 (4) Alternative provisions. As an alternative to the requirements applicable to
1160 building and structures subject to Article 11 (*Residential Code*), ASCE 24 is
1161 permitted subject to the limitations of this code and the limitations therein.
- 1162 (5) Structural systems. Structural systems of buildings and structures shall be
1163 designed, connected and anchored to resist flotation, collapse or permanent
1164 lateral movement due to structural loads and stresses from flooding equal to
1165 the design flood elevation.
- 1166 (6) Flood-resistant construction. Buildings and structures erected in areas prone
1167 to flooding shall be constructed by methods and practices that minimize
1168 flood damage.
- 1169 (C) Applicability
- 1170 (1) General. This section, in conjunction with other applicable provisions in this
1171 chapter, provides minimum requirements for development located in flood
1172 hazard areas, including:

- 1173 (a) the subdivision of land;
- 1174 (b) site improvements and installation of utilities;
- 1175 (c) placement and replacement of manufactured homes;
- 1176 (d) placement of recreational vehicles;
- 1177 (e) new construction and repair, reconstruction, rehabilitation, or
1178 additions to new construction;
- 1179 (f) substantial improvement of existing buildings and structures,
1180 including restoration after damage; and
- 1181 (g) the installation of tanks.
- 1182 (2) Abrogation and greater restrictions. This section is not intended to repeal,
1183 abrogate, or impair any existing easements, covenants, or deed restrictions.
1184 However, where this section and another city code provision, easement,
1185 covenant, or deed restriction conflict or overlap, whichever imposes the
1186 more stringent restrictions shall prevail.
- 1187 (3) Establishment of flood hazard areas. Flood hazard areas are established in
1188 Section 25-12-53(B) (*Establishment of flood hazard areas*).
- 1189 (4) Nonconforming Uses. A structure, or the use of a structure or premises,
1190 which was lawful before the adoption of the Building Code, but which does
1191 not conform with the requirements of these regulations, may be continued
1192 subject to the following conditions:
- 1193 (a) No such use shall be expanded, changed, enlarged, or altered in a way
1194 which increases its nonconformity.
- 1195 (b) No substantial improvement of the structure shall be made unless the
1196 structure is changed to conform to these regulations.
- 1197 (c) If a nonconforming use is discontinued for a period of 90 days, any
1198 future use of the building or premises shall conform to these
1199 regulations.
- 1200 (d) Any nonconforming use or structure which is destroyed by any
1201 means, including floods, to an extent of 50 percent or more of its

1202 market value, shall not be reconstructed except in conformance with
1203 the provisions of these regulations.

1204 (D) Powers and Duties

1205 (1) Permit applications. All applications for permits shall comply with the
1206 following:

1207 (a) The building official shall review all permit applications to determine
1208 whether proposed development is located in flood hazard areas
1209 established in Section 25-12-53(B) (*Establishment of flood hazard*
1210 *areas*).

1211 (b) Where a proposed development site is in a flood hazard area, all
1212 development to which this section is applicable as specified in
1213 Subsection (C)(1) (*General*) shall be designed and constructed with
1214 methods, practices and materials that minimize flood damage and that
1215 are in accordance with the applicable provisions in Chapter 25-12
1216 (*Technical Code*) and ASCE 24.

1217 (2) Other Permits. It shall be the responsibility of the building official to ensure
1218 that approval of a proposed development shall not be given until proof that
1219 necessary approvals and/or permits have been granted by federal, state, or
1220 local agencies having jurisdiction over such development.

1221 (3) Establishing the design flood elevation. The design flood elevation defines
1222 areas prone to flooding and describes, at a minimum, the base flood
1223 elevation at the depth of peak elevation of flooding based upon:

1224 (a) For areas amended to incorporate Atlas 14 data, the 100-year
1225 floodplain calculated under fully developed conditions in accordance
1226 with the City of Austin Drainage Criteria Manual as amended to
1227 incorporate Atlas 14 data;

1228 (b) For areas not yet amended to incorporate Atlas 14 data, the 500-year
1229 floodplain either as depicted on the FEMA Flood Insurance Rate Map
1230 as of January 6, 2016, as subsequently revised, or as calculated under
1231 existing conditions as prescribed by the Drainage Criteria Manual
1232 using data predating Atlas 14; or

- 1233 (c) For the Colorado River, the 100-year floodplain as depicted on the
1234 FEMA Flood Insurance Rate Map dated January 6, 2016, or as
1235 subsequently revised.
- 1236 (4) Determination of design flood elevations. If design flood elevations are not
1237 specified, the building official is authorized to require the applicant to:
- 1238 (a) Obtain, review and reasonably utilize data available from a federal,
1239 state or other source; or
- 1240 (b) Determine the design flood elevation in accordance with the 100-year
1241 floodplain as defined in the Austin City Code. Such analyses shall be
1242 performed and sealed by a Professional Engineer licensed by the State
1243 of Texas. Studies, analyses and computations shall be submitted in
1244 sufficient detail to allow review and approval by the building official.
1245 The accuracy of data submitted for such determination shall be the
1246 responsibility of the applicant.
- 1247 (5) Determination of impacts. In a riverine flood hazard area where design flood
1248 elevations are specified but floodways have not been designated, an
1249 applicant shall demonstrate that the effect of the proposed building or
1250 structure on design flood elevations, including fill, when combined with all
1251 other existing and anticipated flood hazard area encroachments, will not
1252 increase the design flood elevation at any point within the jurisdiction.
- 1253 (6) Activities in riverine flood hazard areas. In riverine situations, the building
1254 official shall not permit any new construction, substantial improvement or
1255 other development, including fill, unless the applicant submits an
1256 engineering analysis prepared by a registered design professional,
1257 demonstrating that the cumulative effect of the proposed development, when
1258 combined with all other existing and anticipated development, will not
1259 increase the design flood elevation at any point that results in additional
1260 adverse flooding on other property.
- 1261 (7) Lowest floor. The lowest floor shall be the floor of the lowest enclosed area,
1262 including basement. The lowest floor does not include any unfinished flood-
1263 resistant enclosure that is used only for vehicle parking, building access, or
1264 limited storage, unless the enclosure is built to cause the building or
1265 structure to violate this section.

1266 Exception. An unfinished enclosure used for storage of property, materials,
1267 or equipment that constitute a safety hazard if contacted by flood waters is a
1268 lowest floor.

- 1269 (8) Protection of mechanical, plumbing and electrical systems. Electrical
1270 systems, equipment and components; heating, ventilating, air-conditioning;
1271 plumbing appliances and plumbing fixtures; duct systems; and other service
1272 equipment shall be located at or above the elevation required in Section 25-
1273 12-53(C)(1) (*Elevation Requirements*). If replaced as part of a substantial
1274 improvement, electrical systems, equipment and components; heating,
1275 ventilating, air-conditioning and plumbing appliances and plumbing fixtures;
1276 duct systems; and other service equipment shall meet the requirements of
1277 this section. Systems, fixtures, and equipment and components shall not be
1278 mounted on or penetrate through walls intended to break away under flood
1279 loads.

1280 Exception. Locating electrical systems, equipment and components; heating,
1281 ventilating, air-conditioning; plumbing appliances and plumbing fixtures;
1282 duct systems; and other service equipment is permitted below the elevation
1283 required in Section 25-12-53(C)(1) (*Elevation Requirements*) provided that
1284 they are designed and installed to prevent water from entering or
1285 accumulating within the components and to resist hydrostatic and
1286 hydrodynamic loads and stresses, including the effects of buoyancy, during
1287 the occurrence of flooding to the required elevation in accordance with
1288 ASCE 24. Electrical wiring systems are permitted to be located below the
1289 required elevation provided that they conform to the provisions of the
1290 electrical part of this code for wet locations.

- 1291 (9) Protection of water supply and sanitary sewage systems. New and
1292 replacement water supply systems shall be designed to minimize or
1293 eliminate infiltration of flood waters into the systems in accordance with the
1294 plumbing provisions of this code. New and replacement sanitary sewage
1295 systems shall be designed to minimize or eliminate infiltration of
1296 floodwaters into systems and discharges from systems into floodwaters in
1297 accordance with the plumbing provisions of this code and Chapter 3 of the
1298 International Private Sewage Disposal Code.

- 1299 (10) Flood-resistant materials. Building materials and installation methods used
1300 for flooring and interior and exterior walls and wall coverings below the
1301 elevation required in Section 25-12-53(C)(1) (*Elevation Requirements*) shall

- 1302 be flood damage-resistant materials that conform to the provisions of FEMA
1303 TB-2.
- 1304 (11) Floodway encroachment. Prior to issuing a permit for any floodway
1305 encroachment, including fill, new construction, substantial improvements
1306 and other development or land-disturbing activity, the building official shall
1307 require submission of a certification prepared by a Professional Engineer
1308 licensed by the State of Texas, along with supporting technical data in
1309 accordance with the City of Austin Drainage Criteria Manual, demonstrating
1310 that such development will not cause any increase of the level of the design
1311 flood.
- 1312 (12) Floodway revisions. A floodway encroachment that increases the level of
1313 the design flood may be considered for a variance only if the applicant has
1314 applied for a conditional Flood Insurance Rate Map (FIRM) revision and has
1315 received the approval of the Federal Emergency Management Agency
1316 (FEMA) provided the conditional Flood Insurance Rate Map (FIRM)
1317 revision is required by the City of Austin Drainage Criteria Manual.
- 1318 (13) Watercourse alteration. Prior to issuing a permit for any alteration or
1319 relocation of any watercourse, the building official shall require the
1320 applicant to provide notification of the proposal to the appropriate
1321 authorities of all affected adjacent government jurisdictions, as well as
1322 appropriate state agencies. A copy of the notification shall be maintained in
1323 the permit records and submitted to FEMA.
- 1324 (14) Engineering analysis. The building official shall require submission of an
1325 engineering analysis in accordance with the City of Austin Drainage Criteria
1326 Manual performed and sealed by a Professional Engineer licensed by the
1327 State of Texas demonstrating that the flood-carrying capacity of the altered
1328 or relocated portion of the watercourse will not be decreased. Such
1329 watercourses shall be maintained in a manner which preserves the channel's
1330 flood-carrying capacity.
- 1331 (15) Records. The building official shall maintain a permanent record of all
1332 permits issued in flood hazard areas, including copies of inspection reports
1333 and certifications required in Section 25-12-53(D) (*Flood hazard*
1334 *documentation*).
- 1335 (16) Inspections. Development for which a permit under this section is required
1336 shall be subject to inspection. The building official or the building official's

1337 designee shall make, or cause to be made, inspections of all development in
1338 flood hazard areas authorized by issuance of a permit under this section.

1339 (E) Permits

- 1340 (1) Required. Any person, owner or owner's authorized agent who intends to
1341 conduct any development in a flood hazard area shall first make application
1342 to the building official and shall obtain the required permit.
- 1343 (2) Application for permit. The applicant shall file an application in writing on
1344 a form furnished by the building official. Such application shall:
- 1345 (a) Identify and describe the development to be covered by the permit.
- 1346 (b) Describe the land on which the proposed development is to be
1347 conducted by legal description, street address or similar description
1348 that will readily identify and definitely locate the site.
- 1349 (c) Include a site plan showing the delineation of flood hazard areas,
1350 floodway boundaries, flood zones, design flood elevations, ground
1351 elevations, proposed lowest floor elevation, proposed fill and
1352 excavation and drainage patterns and facilities.
- 1353 (d) Include in subdivision proposals and other proposed developments
1354 with more than 50 lots or larger than 5 acres (20,234 m²), base flood
1355 elevation data in accordance with Section 25-12-53(B) (*Establishment*
1356 *of flood hazard areas*).
- 1357 (e) Indicate the use and occupancy for which the proposed development
1358 is intended.
- 1359 (f) Be accompanied by construction documents, grading and filling plans
1360 and other information deemed appropriate by the building official.
- 1361 (g) State the valuation of the proposed work.
- 1362 (h) Be signed by the applicant or the applicant's authorized agent.
- 1363 (3) Validity of permit. The issuance of a permit under this section shall not be
1364 construed to be a permit for, or approval of, any violation of this section or
1365 any other ordinance of the jurisdiction. The issuance of a permit based on
1366 submitted documents and information shall not prevent the building official

1367 from requiring the correction of errors. The building official is authorized to
1368 prevent occupancy or use of a structure or site which is in violation of this
1369 section or other ordinances of the City of Austin.

- 1370 (4) Time Limitation on Application; Permit Expiration and Reactivation.
1371 Article 13 (*Administration of Technical Codes*) of this chapter establishes
1372 permit application time limits and requirements applicable to permit
1373 expiration and reactivation, including a review fee for expired permits.

1374 Exception: Permits issued under Section 105.1.1 (*Annual permit*) are only
1375 valid for a period of 360 days from the date of issuance and cannot be
1376 extended.

- 1377 (5) Suspension or revocation. The building official is authorized to suspend or
1378 revoke a permit issued under this section wherever the permit is issued in
1379 error or on the basis of incorrect, inaccurate or incomplete information, or in
1380 violation of any ordinance or code of the City of Austin.

1381 (F) Variances

- 1382 (1) General. The City Council shall decide requests for variances from the
1383 floodplain regulations in this code and Chapter 25-7 (*Drainage*) after
1384 conducting a public hearing. The City Council shall base its determination
1385 on technical justifications and has the right to attach such conditions to
1386 variances as it deems necessary to further the purposes and objectives of this
1387 article.
- 1388 (2) Records. The building official shall maintain a permanent record of all
1389 variance actions, including justification for their issuance.
- 1390 (3) Historic structures. A variance may be issued for the repair or rehabilitation
1391 of a historic structure upon a determination that the proposed repair or
1392 rehabilitation will not preclude the structure's continued designation as a
1393 historic structure, and the variance is the minimum necessary to preserve the
1394 historic character and design of the structure.

1395 Exception: Within flood hazard areas, historic structures that are not:

- 1396 (a) listed or preliminarily determined to be eligible for listing in the
1397 National Register of Historic Places; or

- 1398 (b) determined by the Secretary of the U.S. Department of Interior as
1399 contributing to the historical significance of a registered historic
1400 district or a district preliminarily determined to qualify as a historic
1401 district; or
- 1402 (c) designated as historic under a state or local historic preservation
1403 program that is approved by the Department of Interior.
- 1404 (4) Functionally dependent facilities. A variance may be issued for the
1405 construction or substantial improvement of a functionally dependent facility
1406 provided the criteria in Section 25-12-53(A) (*General*) are met and the
1407 variance is the minimum necessary to allow the construction or substantial
1408 improvement, and that all due consideration has been given to methods and
1409 materials that minimize flood damages during the design flood and create no
1410 additional threats to public safety.
- 1411 (5) Restrictions. The City Council shall not issue a variance for any proposed
1412 development in a floodway if any increase in flood levels would result
1413 during the design flood discharge.
- 1414 (6) Considerations. In reviewing applications for variances, the City Council
1415 shall consider all technical evaluations, all relevant factors, all other portions
1416 of this section, and each of the following:
- 1417 (a) The danger that materials and debris may be swept onto other lands
1418 resulting in further injury or damage.
- 1419 (b) The danger to life and property due to flooding or erosion damage.
- 1420 (c) The susceptibility of the proposed development, including contents, to
1421 flood damage and the effect of such damage on current and future
1422 owners.
- 1423 (d) The importance of the services provided by the proposed development
1424 to the community.
- 1425 (e) The availability of alternate locations for the proposed development
1426 that are not subject to flooding or erosion.
- 1427 (f) The compatibility of the proposed development with existing and
1428 anticipated development.

- 1429 (g) The relationship of the proposed development to the comprehensive
1430 plan and flood plain management program for that area.
- 1431 (h) The safety of access to the property in times of flood for ordinary and
1432 emergency vehicles.
- 1433 (i) The expected heights, velocity, duration, rate of rise and debris and
1434 sediment transport of the floodwaters and the effects of wave action, if
1435 applicable, expected at the site.
- 1436 (j) The costs of providing governmental services during and after flood
1437 conditions including maintenance and repair of public utilities and
1438 facilities such as sewer, gas, electrical and water systems, streets and
1439 bridges.
- 1440 (7) Conditions for issuance. Variances shall only be issued by the City Council
1441 upon:
- 1442 (a) a technical showing of good and sufficient cause based on the unique
1443 characteristics of the size, configuration or topography of the site;
- 1444 (b) a determination that failure to grant the variance would result in
1445 exceptional hardship by rendering the lot undevelopable;
- 1446 (c) a determination that the granting of a variance will not result in
1447 increased flood heights, additional threats to public safety,
1448 extraordinary public expense, nor create nuisances, cause fraud on or
1449 victimization of the public or conflict with existing local laws or
1450 ordinances;
- 1451 (d) a determination that the variance is the minimum necessary,
1452 considering the flood hazard, to afford relief; and
- 1453 (e) notification to the applicant in writing over the signature of the
1454 building official that the issuance of a variance to construct a structure
1455 below the base flood level will result in increased premium rates for
1456 flood insurance, and that such construction below the base flood level
1457 increases risks to life and property.

1458 (G) Subdivisions

- 1459 (1) General. Any subdivision proposal, including proposals for manufactured
1460 home parks and subdivisions, or other proposed new development in a flood
1461 hazard area shall be reviewed to verify all of the following:
- 1462 (a) all such proposals are consistent with the need to minimize flood
1463 damage;
- 1464 (b) all public utilities and facilities, such as sewer, gas, electric and water
1465 systems are located and constructed to minimize or eliminate flood
1466 damage; and
- 1467 (c) adequate drainage is provided to reduce exposure to flood hazards.
- 1468 (2) Subdivision requirements. The following requirements shall apply in the
1469 case of any proposed subdivision, including proposals for manufactured
1470 home parks and subdivisions, any portion of which lies within a flood hazard
1471 area:
- 1472 (a) The flood hazard area, including floodways, as appropriate, shall be
1473 delineated on tentative and final subdivision plats.
- 1474 (b) Design flood elevations shall be shown on tentative and final
1475 subdivision plats.
- 1476 (c) Residential building lots shall be provided with adequate buildable
1477 area outside the flood hazard area.
- 1478 (d) The design criteria for utilities and facilities set forth in this section,
1479 Section 25-12-53 (*Flood Loads*), ASCE 24, the City of Austin
1480 Drainage Criteria Manual, and applicable FEMA design criteria shall
1481 be met.
- 1482 (H) Site Improvement
- 1483 (1) Development in floodways. Development or land disturbing activity shall
1484 not be authorized in the floodway unless it has been demonstrated through
1485 hydrologic and hydraulic analyses performed and sealed by a Professional
1486 Engineer licensed by the State of Texas in accordance with the City of
1487 Austin Drainage Criteria Manual, that the proposed encroachment will not
1488 result in any increase in the level of the design flood.

- 1489 (2) Sewer facilities. All new or replaced sanitary sewer facilities, private
1490 sewage treatment plants (including all pumping stations and collector
1491 systems) and on-site waste disposal systems shall be designed in accordance
1492 with Chapter 7, ASCE 24, to minimize or eliminate infiltration of
1493 floodwaters into the facilities and discharge from the facilities into
1494 floodwaters, or impairment of the facilities and systems.
- 1495 (3) Water facilities. All new replacement water facilities shall be designed in
1496 accordance with the provisions of Chapter 7, ASCE 24, to minimize or
1497 eliminate infiltration of floodwaters into the systems.
- 1498 (4) Storm drainage. Storm drainage shall be designed to convey the flow of
1499 surface waters to minimize or eliminate damage to persons or property.
- 1500 (5) Streets and sidewalks. Streets and sidewalks shall be designed to minimize
1501 potential for increasing or aggravating flood levels.
- 1502 (I) Manufactured Homes
- 1503 (1) Elevation.
- 1504 (a) All new and replacement manufactured homes to be placed or
1505 substantially improved in a flood hazard area shall be elevated such
1506 that the lowest floor of the manufactured home is elevated to a
1507 minimum of two feet above the design flood elevation. Elevation
1508 certification required by Section 25-12-53(D) (*Flood hazard*
1509 *documentation*) shall be submitted to the building official.
- 1510 (b) The bottom of the frame of new and replacement manufactured homes
1511 on foundations that conform to the requirements of Section 25-12-
1512 53(C)(1) (*Elevation Requirements*), as applicable, shall be elevated to
1513 or above the elevations specified in Section 25-12-53(C)(1) (*Elevation*
1514 *Requirements*). The anchor and tie-down requirements of the
1515 applicable state or federal requirements shall apply. The foundation
1516 and anchorage of manufactured homes to be located in identified
1517 floodways shall be designed and constructed in accordance with
1518 ASCE 24.
- 1519 (2) Foundations. All new and replacement manufactured homes, including
1520 substantial improvement of existing manufactured homes, shall be placed on

1521 a permanent, reinforced foundation that is designed in accordance with
1522 Section 25-12-53 (*Flood Loads*).

- 1523 (3) Anchoring. All new and replacement manufactured homes to be placed or
1524 substantially improved in a flood hazard area shall be installed using
1525 methods and practices which minimize flood damage. Manufactured homes
1526 shall be securely anchored to an adequately anchored foundation system to
1527 resist flotation, collapse and lateral movement. Methods of anchoring are
1528 authorized to include, but are not limited to, use of over-the-top or frame ties
1529 to ground anchors. This requirement is in addition to applicable state and
1530 local anchoring requirements for resisting wind forces.

- 1531 (4) Protection of mechanical equipment and outside appliances. Mechanical
1532 equipment and outside appliances shall be elevated a minimum of two foot
1533 above the design flood elevation to or above the design flood elevation.

1534 Exception. Where such equipment and appliances are designed and
1535 installed to prevent water from entering or accumulating within their
1536 components and the systems are constructed to resist hydrostatic and
1537 hydrodynamic loads and stresses, including the effects of buoyancy,
1538 during the occurrence of flooding up to the elevation required by
1539 Section 25-12-53(C)(1) (*Elevation Requirements*), the systems and
1540 equipment shall be permitted to be located below the elevation
1541 required by 25-12-53(C)(1) (*Elevation Requirements*). Electrical
1542 wiring systems shall be permitted below the design flood elevation
1543 provided they conform to the provisions of NFPA 70.

- 1544 (5) Enclosures. Fully enclosed areas below elevated manufactured homes shall
1545 comply with the requirements of 25-12-53(C) (*Design and Construction*).

1546 (J) Recreational Vehicles

- 1547 (1) Placement prohibited. The placement of recreational vehicles shall not be
1548 authorized in floodways.
- 1549 (2) Temporary placement. Recreational vehicles in flood hazard areas shall be
1550 fully licensed and ready for highway use; and shall be placed on a site for
1551 less than 180 consecutive days.
- 1552 (3) Permanent placement. Recreational vehicles that are not fully licensed and
1553 ready for highway use, or that are to be placed on a site for more than 180

1554 consecutive days, shall meet the requirements of Subsection (I)
1555 (*Manufactured Homes*) for manufactured homes.

1556 (K) Tanks. Underground and above-ground tanks shall be designed, constructed,
1557 installed and anchored in accordance with ASCE 24.

1558 (L) Foundation design and construction. This subsection applies to a building or
1559 structure subject to Article 11 (*Residential Code*).

1560 (1) A foundation wall in a building or structure erected in a flood hazard area
1561 shall meet the requirements in Residential Code, Chapter 4 (*Foundations*).

1562 Exception: Unless designed consistent with Residential Code, Section R404
1563 (*Foundation and Retaining Walls*):

1564 (a) the unsupported height of a 6-inch (152 mm) plain masonry wall shall
1565 not exceed 3 feet (914 mm);

1566 (b) the unsupported height of an 8-inch (203 mm) plain masonry wall
1567 shall not exceed 4 feet (1219 mm); and

1568 (c) the unsupported height of an 8-inch (203 mm) reinforced masonry
1569 wall shall not exceed 8 feet (2438 mm).

1570 (2) For purposes of the exception in (1), unsupported height is measured from
1571 the finished grade of the under-floor space to the top of the wall.

1572 **§ 25-12-55 OFFENSE AND PENALTY.**

1573 (A) A person who violates this article commits a separate offense for each day the
1574 violation continues.

1575 (B) A person who fails to comply with a permit or variance granted pursuant to this
1576 article commits a separate offense for each day the violation continues.

1577 (C) A person who violates this article or fails to comply with a permit or a variance
1578 granted pursuant to this article commits a misdemeanor punishable as set forth in
1579 Section 25-1-462 (*Criminal Enforcement*).

1580 **PART 5.** City Code Sections 25-7-92(C)(3) (*Encroachment on Floodplain Prohibited*);
1581 25-7-93(B)(2) (*General Exceptions*); 25-7-94 (C)(2) and (E) (*Requirements in Central*
1582 *Business Area*); 25-7-96(D)(2) (*Requirements in the 25-Year Floodplain*); and 25-7-

1583 152(E)(2)(d) (*Dedication of Easements and Rights-of-Way*) are amended to replace
1584 certain references to read as follows:

1585 **§ 25-7-92 ENCROACHMENT ON FLOODPLAIN PROHIBITED.**

1586 (C) The director may grant a variance to Subsection (A) or (B) if the director
1587 determines that:

1588 (3) a proposed building complies with the requirements in Chapter 25-12,
1589 Article 3 (*Flood Hazard Areas*) [~~Article 1, Section 25-12-3 Appendix G~~
1590 (~~*Flood Resistant Construction*~~) and ~~Section 1612 (*Flood Loads*)~~];

1591 **§ 25-7-93 GENERAL EXCEPTIONS.**

1592 (B) To be approved under this section, development must:

1593 (2) comply with the requirements in Chapter 25-12, Article 3 (*Flood Hazard*
1594 *Areas*) [~~Article 1, Section 25-12-3 Appendix G~~ (~~*Flood Resistant*~~
1595 ~~*Construction*~~) and ~~Section 1612 (*Flood Loads*)~~];

1596 **§ 25-7-94 REQUIREMENT IN CENTRAL BUSINESS AREA.**

1597 (C) A development application with a proposed building or parking area that
1598 encroaches on the 100-year floodplain may be approved if:

1599 (2) normal access to that building is by direct connection with an area above the
1600 regulatory flood datum, as defined in Chapter 25-12, Article 3 (*Flood*
1601 *Hazard Areas*) [~~by Chapter 25-12, Article 1 (*Building Code*)~~];

1602 (E) A development application that may be approved under this section must comply
1603 with the flood proofing requirements in Chapter 25-12, Article 3 (*Flood Hazard*
1604 *Areas*) [~~of Chapter 25-12, Article 1 (*Building Code*)~~].

1605 **§ 25-7-96 REQUIREMENTS IN THE 25-YEAR FLOODPLAIN.**

1606 (D) To be approved under this section, development must:

1607 (2) comply with the requirements in Chapter 25-12, Article 3 (*Flood Hazard*
1608 *Areas*) [~~Article 1, Section 25-12-3 Appendix G~~ (~~*Flood Resistant*~~
1609 ~~*Construction*~~) and ~~Section 1612 (*Flood Loads*)~~];

1610 **§ 25-7-152 DEDICATION OF EASEMENTS AND RIGHTS-OF-WAY.**

1611 (E) For property in the full-purpose limits of the city, the director may grant a variance
1612 to Subsection (A) if the director determines:

1613 (2) the development:

1614 (d) is a non-conforming use, as defined by Chapter 25-12, Article 3
1615 (Flood Hazard Areas) [~~Article 1, Appendix G, Section G102.3~~
1616 ~~(Nonconforming Uses)~~].

1617 **PART 6.** For the changes in Part 5, City Council waives the requirements regarding
1618 amendments in City Code Section 25-1-501 (*Initiation of Amendment*) and Section 25-1-
1619 502 (*Amendment; Review*).

1620 **PART 7.** This ordinance takes effect on September 1, 2021.

1621 **PASSED AND APPROVED**

1622
1623 §
1624 §
1625 _____, 2021 § _____
1626 Steve Adler
1627 Mayor
1628
1629

1630 **APPROVED:** _____ **ATTEST:** _____
1631 Anne L. Morgan Jannette S. Goodall
1632 City Attorney City Clerk